

## Meeting of the Hawke's Bay Regional Council

**Date:** 28 June 2023  
**Time:** 1.30pm  
**Venue:** Council Chamber  
Hawke's Bay Regional Council  
159 Dalton Street  
NAPIER

## Agenda

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1.	Welcome/Karakia/Apologies/Housekeeping /Notices	
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<b>Decision Items (Public Excluded)</b>		
18.	Confirmation of Minutes of the Public Excluded meeting held on 31 May 2023	89



**Subject: Call for minor items not on the Agenda****Reason for Report**

1. This item provides the means for councillors to raise minor matters relating to the general business of the meeting they wish to bring to the attention of the meeting.
2. Hawke's Bay Regional Council standing order 9.13 states:
  - 2.1. *A meeting may discuss an item that is not on the agenda **only** if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.*

**Recommendations**

3. That Council accepts the following *Minor items not on the Agenda* for discussion as Item 17

Topic	Raised by

**Leeanne Hooper**  
Governance Team Leader

**Desiree Cull**  
Strategy & Governance Manager



**Subject: Hawke's Bay Regional Water Assessment**

**Reason for Report**

1. This item tables the Hawke's Bay Regional Water Assessment (RWA) report, and a summary, – *Our Freshwater Future*, for Council's adoption and public release.

**Executive Summary**

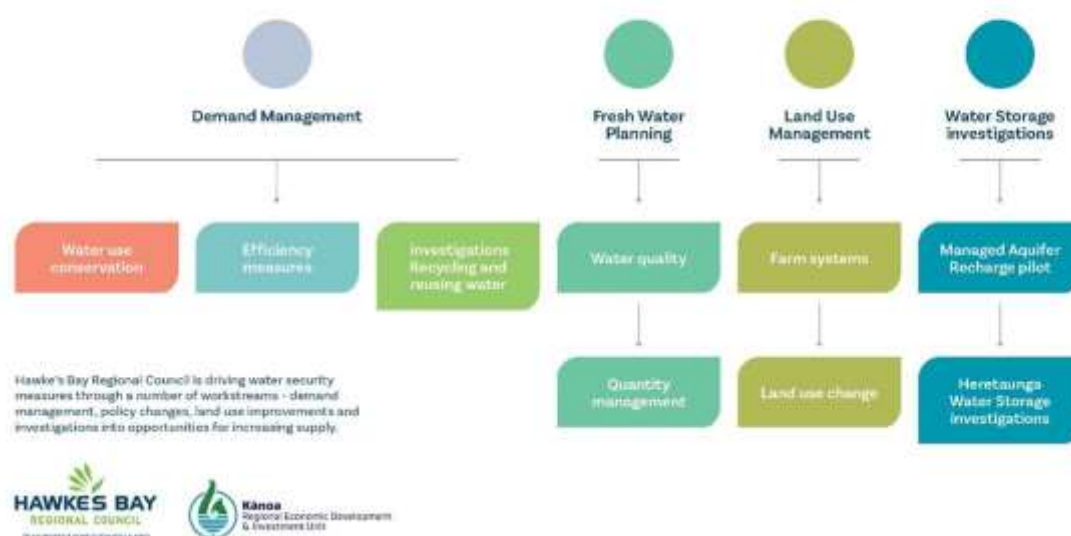
2. The Hawke's Bay Regional Water Assessment 2023 (RWA) and a summary of that report, *Our Freshwater Future*, have been completed and are now being tabled for Council consideration.
3. The report was completed and shared with all HBRC Governors in December 2022 and with key stakeholders in January. It was due to be presented to Council in March, however, Cyclone Gabrielle forced a change of priorities.
4. Cyclone Gabrielle also impacted on the report, which needed to be updated to account for the impacts of the event. The report now includes the costs of both sides of the climate change coin – not enough water, or drought, and too much water, or severe weather events. Even at a high-level, the report shows that those long-term costs to our region far outweigh the costs of investing in climate change adaptation through implementing initiatives to reduce demand, and if possible, increase supply.
5. Cyclone Gabrielle only increased the urgency for our region to make good decisions about ensuring Hawke's Bay is resilient to the impacts of climate change on water.
6. Now the RWA is complete, the ownership of the report will be transitioned from the Regional Water Security Team to the Planning and Policy team to inform future freshwater planning process.
7. In parallel to the RWA development, the Regional Council has also been investigating demand reduction, working with industry and local councils to explore how significant water efficiencies and conservation can be made.
8. In the 2021-31 Long Term Plan, the Regional Council allocated \$1m over 3 years from reserves to progress priority demand-reduction initiatives. While this work is ongoing, independent scoping studies have been commissioned to identify key opportunities and provide recommendations to inform this process.

**Background**

9. The Regional Council established the Regional Water Security Programme (RWSP) in 2019 with the overarching objective to ensure "Hawke's Bay has long-term climate resilient and secure supplies of freshwater, for all".
10. In 2020, Regional Council secured funding from central government, through the Provincial Growth Fund, for a package of freshwater security initiatives, enabling an increase in the scale and ambition of the Regional Water Security Programme. The three projects included within the Regional Water Security Programme are the *Regional Water Assessment*, the *Central Hawke's Bay Managed Aquifer Recharge (MAR) Pilot* and the *Heretaunga Water Storage project*.
11. The aim of the Regional Water Assessment was to provide key information for our freshwater management planning and policy, producing an objective, evidence-based view on how much water we have, how much we use and what this is projected to be in the future. This in turn enables freshwater management options from the two key levers, reducing demand or increasing supply, to be assessed within the wider context.

12. The use and implementation of the UN System of Environmental Economic Accounting (SEEA) - Water (also referred to as SEEA-Water) within the RWA was designed to be repeatable, helping Regional Council build and confirm trends and predictions, and fill gaps in water quantity knowledge.
13. The RWA is clear that demand reduction is *not optional* in protecting our region's water security. However, demand reductions alone will not be enough, so the report investigates water storage options, including a community-scale water storage facility to supplement environmental flows for the Heretaunga Plains.
14. Given that water storage facilities are highly dependent on the physical environment for technical viability and have a long lead time for development, Regional Council commenced these investigations concurrently. If viable storage options are limited, or not supported by the community, then the community will understand how big the collective effort will need to be to reduce our demand – and those efforts are likely to be increasingly stringent.
15. Furthermore, the positioning of the Regional Water Assessment within the Council's wider water security and freshwater management programme of work is essential when engaging with communities and considering the options. Water storage has a complex and divisive history in the region and this opposition remains strong in some sectors.

### Hawke's Bay Regional Council water security response



### Regional Water Assessment publication

16. The RWSP team has worked alongside the Kotahi Plan engagement process, which includes the review of the freshwater plan – key to implementing the critical policy mechanisms for addressing Hawke's Bay's water security. Aspects of the report were included in information presented at public engagement events as part of that process.
17. The Regional Water Assessment saw the engagement of a number of experts in the science, policy and economics of freshwater, as well as contributions from municipal water managers and the Future Farming Trust.
18. In December 2022, a copy of the RWA was provided to Council, the Māori Committee and Regional Planning Committee members. In January, it was also shared with a small group of key stakeholders. This was to allow for feedback and questions on the report and the process for communicating the report to the community.

19. The Regional Water Assessment has now been completed, the updated report has been circulated to Council and is ready for publication. The report has also been distributed to Māori Committee and Regional Planning Committee members and the same key stakeholders who were provided a copy in December/January.
20. Following the Council meeting, the full RWA and summary document will be made publicly available, with a media release linking to the Regional Council's website.

### **Demand reduction assessment**

21. Both the Regional Council and Hawke's Bay local councils have responsibilities as part of their core business to manage demand - reduce waste and increase efficiency and conservation.
22. Consultants, Page Bloomer, are currently completing a draft report that explores demand reduction opportunities within industry and municipal water use. A series of interviews have been undertaken with the major industrial and territorial water users (excluding irrigators) and a report detailing these findings, including providing examples of successful interventions elsewhere, is to be provided to Council soon.
23. The Regional Council currently employs officers to work with irrigators on conservation and efficiency measures. To further support this existing work programme, the Regional Water Assessment sought an assessment and report on key opportunities for irrigation efficiency gains in Hawke's Bay.

### **Strategic Alignment**

24. This work directly contributes to the achievement of Regional Council's water focus area, specifically *water quality, safety, and climate resilient water security*, as outlined in the 2020-25 Strategic Plan.
25. The RWA is a key milestone in achieving one of Regional Council's 24 time-bound aspirational goals within the 2020-25 Strategic Plan – that by 2030, Hawke's Bay has environmentally sustainable, harvestable water identified and stored, or plans to be stored, if required.

### **Decision-making Process**

26. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
  - 26.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
  - 26.2. The use of the special consultative procedure is not prescribed by legislation.
  - 26.3. The decision is expressly for the public release of information.

### **Recommendations**

That Hawke's Bay Regional Council:

1. Receives and adopts the *Hawke's Bay Regional Water Assessment* as a foundation document to support freshwater planning and decision-making.
2. Releases the Hawke's Bay Regional Water Assessment, and the summary *Our Freshwater Future* to the public.
3. Agrees to transfer the ownership of the Regional Water Assessment to Regional Council's Policy and Planning team for future decisions to be considered within the context of the broader freshwater management and policy implementation timeframes.

**Authored by:**

**Erin Hartford-Wright**  
**Director, Frank Engagement**

**Approved by:**

**Chris Dolley**  
**Group Manager Asset Management**

**Attachment/s**

1. **Hawkes Bay Regional Water Assessment 2023** - Under separate cover for councillors only and appendices
2. **Our Freshwater Future** - Under separate cover for councillors only.



**Subject: Wairatahi reserve exchange**

**Reason for Report**

1. This paper seeks a resolution of Council that requests the Minister of Conservation approve the exchange of the following land pursuant to Section 15 of the Reserves Act 1977, and reports on the outcome of the public notification process required.
  - 1.1. 4,710m<sup>2</sup> more or less described as Sections 67 and 68 SO 4388108 comprised in Record of Title 621785 and held by Council as a Local Purpose (soil conservation and river control) Reserve known as the Wellwood Drain.
  - 1.2. 6,337m<sup>2</sup> more or less being part of Record of Title 552618 (Part Lot 5 DP 2976 and Sections 18, 20, 22 SO 438108) and forming part of the Irongate Stream.

**Officers' Recommendations**

2. Council officers recommend that Council agrees, by resolution, to the exchange, noting:
  - 2.1. No objections to the exchange have been received from the public notice
  - 2.2. It is more appropriate for HBRC to obtain ownership of the Irongate Stream, by the exchange, with the Artificial Wellwood Stormwater Drain to ultimately vest in the District Council as part of its urban stormwater network.
  - 2.3. The exchange will facilitate additional planting and stormwater management measures as part of the proposed development of the site.

**Executive Summary**

3. Council officers are supportive of the proposed exchange, and Council's former Chief Executive entered into a Deed of Agreement with Heretaunga Tamatea Settlement Trust (HTST) setting out the support for the exchange, the required actions under the Reserves Act, and that costs would be met by HTST.
4. The Wellwood Drain is a local artificially-formed drain and, as part of HTST's development, will become part of the Hastings District Council's stormwater network to manage and administer. Hastings District Council is supportive of the proposed exchange.
5. The vesting of that part of the bed of the Irongate Stream as a reserve (in exchange) that is currently in private ownership, enables ownership and management of the stream to be regularised and will improve conservation, public access and recreation opportunities on the site.
6. The public notification required prior to Council passing a resolution to request the Minister of Conservation to approve the exchange pursuant to Section 15 of the Reserves Act 1977 has been given and no objections have been received.

**Background /Discussion**

7. The proposed reserve exchange relates to a broader 28.2 hectare site owned by HTST and referred to as "Wairatahi", being located at 238 Stock Road and 49A Dundee Drive, Flaxmere and shown in the plan at Attachment 1. HTST is the iwi authority and the Post Settlement Governance Entity (PSGE) for Heretaunga Tamatea. HTST was established to receive the redress negotiated by He Toa Takitini in settlement of the historical Treaty grievances of Heretaunga Tamatea against the Crown.

8. The open artificial stormwater drain known as the Wellwood Drain is located through the middle of the HTST land. This drain receives stormwater from Flaxmere and conveys it across the site into the *Irongate Stream*, which runs through the western part of the HTST land.
9. Part of the Wellwood Drain (but not all of it) is vested in the Council in trust as local purpose (soil conservation and river control) reserve. It is a Crown-derived reserve. This arose following the disposition of some of the land in the north-eastern part of the site from the Crown as part of the disposal process associated with the Hawke's Bay Expressway Southern Extension. The Irongate Stream remains in private ownership (now HTST's ownership), although it is managed by HBRC as part of HBRC's regional stormwater management functions.
10. The HTST Land has been identified for urban development in the Heretaunga Plains Urban Development Strategy (HPUDS). HTST wishes on behalf of its beneficiaries, to develop the HTST land for housing, and to advance the commercial, social, cultural and environmental aspirations for its people and the wider community. The proposed Wairatahi Development is shown on the plan at *Attachment 1*.
11. The proposed reserve exchange would see the partial ownership of the Wellwood Drain exchanged for the entirety of the bed of the Irongate Stream. The proposed exchange areas are identified on the plan at *Attachment 2*.
12. The proposed exchange would formalise HBRC's current stormwater management functions in respect of the Irongate Stream. As part of HTST's Wairatahi project, the Flaxmere discharge point would be extended further into the site, and the balance of the Wellwood Drain realigned to the eastern part of the site. It would be vested as part of HTST's consent process in the Hastings District Council, together with additional adjoining land as esplanade reserve for stormwater management and amenity and recreational purposes.

### Options Assessment

13. The objective is to regularise the ownership of stormwater infrastructure for ongoing management purposes of:
  - 13.1. the artificial Wellwood stormwater drain (currently owned in part by HBRC as reserve, but which will become part of the local urban stormwater network that would then be under the management and jurisdiction of the Hastings District Council); and
  - 13.2. the Irongate Stream which although already managed by HBRC as part of its regional stormwater network is currently in private ownership.
14. This objective can only be achieved through a reserve exchange under the Reserves Act.
15. Achieving this objective would also have benefits to the proposed development as enabling a better well-functioning urban form (as the Wellwood Drain could be enclosed in part to allow development and connectivity across it), as well as the benefits of additional planting across the balance of the drain when realigned, and along the Irongate Stream, as well as improved access. This was recognised by the Minister for the Environment when approving the Fast Track referral in his reasons which included: "[the Project] has the potential to have positive effects on social well-being by improving public access to the Irongate Stream (if the realignment of the existing Wellwood stormwater drain occurs)".
16. The alternative is the status quo, which will leave HBRC continuing to own a drain (the Wellwood Drain) in what will be part of the urban environment and continuing to have legal responsibility for it (as owner) even if HDC were to agree to take over management of stormwater in the drain. It would also leave the Irongate Stream, which HBRC currently manages as part of its regional stormwater network, in private ownership, with HBRC technically having no legal rights of access to maintain that part of the network.
17. If the status quo continues then the benefits of facilitating a better well-functioning urban form, and other ecological public access and amenity benefits identified above would also be lost.

18. Development of the site is consistent with HBRC's aspirations and support for growth within the region, the site having been identified in the HPU DS. HPU DS is the result of a collaborative approach by the HBRC, Hastings District Council and Napier City Council towards managing urban growth on the Plains from 2015 to 2045. The joint Strategy was first adopted in 2010, then a reviewed version re-adopted by HBRC and the two territorial authorities in early 2017. The Wairatahi Project site was identified as a residential growth area in HPU DS (both the 2010 and 2017 versions). Accordingly, the reserve exchange will assist in better achieving HBRC's strategic outcomes for growth in Flaxmere.
19. The reserve exchange will assist HBRC in better achieving its statutory obligations in respect of regional stormwater management, as it will have legal ownership over the Irongate Stream through the Wairatahi site, which is part of its regional drainage network, compared to the present situation where it has no formal rights in respect of the Irongate Stream on the site.
20. The reserve exchange is cost effective and cost neutral to HBRC, as all reasonable and necessary costs are agreed to be paid by HTST.
21. There is little risk to HTST of undertaking the reserve exchange, particularly since there were no objections to the proposed exchange following closure of the statutory notification period. If the reserve exchange does not occur there is a risk at some point that it may be denied access to the Irongate Stream for maintenance purposes (although that may be unlikely in practice).
22. The reserve exchange will increase the value to the community and economy, as it will allow a more efficient development of the site, with greater yield to deliver more affordable housing to the community, and will assist with economic growth including through construction. As the Minister for the Environment found in deciding to refer the Project, the Project has the potential to generate approximately 1,395 direct full-time equivalent (FTE) jobs and 1,405 indirect FTE jobs over its design and construction period.
23. The reserve exchange is sought by HTST, the iwi authority and post settlement entity for Heretaunga Tamatea. It sees the exchange as significant from a cultural perspective, as it will allow for the better management and protection of the Irongate Stream, and its aspirations to improve the quality of stormwater leaving its site. The significance of this is reflected in the name, Wairatahi:
  - 23.1. Wairatahi represents the whakapapa of water and is a sign of fertility and growth.
  - 23.2. This connects to the ancient river Te Awa o Te Atua, that once flowed through this area.
24. It is also relevant that HBRC supported HTST's Fast Track application for referral (in a letter of support to the Minister for the Environment) and, later, through its former Chief Executive entered into a Deed of Agreement – Reserve Exchange. Given that there were no objections to the reserve exchange through the statutory notice period, if HBRC were to refuse to advance the reserve exchange now that could be seen as bad faith, a breach of legitimate expectation, and inconsistent with the principles of the Treaty of Waitangi.

### Strategic Fit

25. Priority Area, Water: Water Quality – the exchange will regularise and improve HBRC's access and management of that part of the Irongate Stream located within the HTST Land, to improve conservation, public access and recreation opportunities on the Irongate Stream.
26. Priority Area, Infrastructure & Services: Resilient infrastructure – the exchange will secure HTST's ownership of the Irongate Stream as it passes through the site, providing certainty of access and ability to manage that regional stormwater asset into the future.
27. Priority Area, Infrastructure & Services: People and Communities – the extension of piping of stormwater from Flaxmere into the HTST Land, and then realignment of part of the balance of the Wellwood Drain provides improved stormwater treatment and conveyance, and better flood protection.

## Significance and Engagement Policy Assessment

28. In accordance with the Council's Significance and Engagement Policy this matter is assessed as low/consult significance on the continuum and there is a legislated obligation which requires public notification pursuant to Section 15 Reserves Act 1977.
29. The required public notice under Section 15(2) Reserves Act 1977 of the Council's intention to pass a resolution and calling for any objections, has been given. A copy of the required public notice is at *Attachment 5*. The required one-month notice period has expired, and no objections have been received by Council.

## Climate Change considerations

30. The Reserve Exchange will assist in enabling a development form that is more conducive to bus services and will provide high levels of amenity for residents of the proposed development through the extensive stormwater management areas (most of which will be dry for the majority of the time), and a central park, local centre, including walkways and cycle ways so as to reduce the need for reliance on vehicular transport to access nearby amenities.
31. The site performed well in recent extreme weather events, and the risk to development on the site arising from climate change consequences is considered low.

## Considerations of Tangata Whenua

32. The land subject to the proposed exchange is owned by HTST, which is the Iwi Authority and the PSGE for Heretaunga Tamatea.
33. The proposed reserve exchange will facilitate a development project being advanced by HTST, the Wairatahi development project. The Wairatahi development project is being advanced under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA).
34. The Wairatahi development project involves a subdivision and comprehensive residential development with a range of housing types, including apartments, terraced, duplex and detached houses. The project also includes some commercial buildings, visitor accommodation, a community gardens and hall, open spaces, and supporting infrastructure. The project may also include the construction and operation of a retirement village.
35. On 8 March 2023, the Minister for the Environment agreed that HTST's proposal meets the purpose of the FTCA and determined to refer HTST's proposal into the Fast Track process.
36. The Minister has accepted that the project has the potential to:
  - 36.1. generate employment by creating approximately 1395 direct and 1405 indirect FTE jobs over a five-year design and construction period
  - 36.2. increase housing supply by constructing approximately 450 to 523 residential units, or approximately 425 to 475 residential units if a retirement village is not constructed, and
  - 36.3. contribute to social wellbeing by improving public access to the Irongate Stream.

## Financial and Resource Implications

37. HTST has agreed to cover the Council's costs of the proposed reserve exchange process and provide resourcing support to the Council, where required and appropriate.
38. In addition, notwithstanding that a greater area of the bed of the Irongate Stream is to be exchanged than Part of the Wellwood Drain, HTST has agreed that there is no need for the Council to provide any financial compensation to HTST in respect of the exchange.
39. Accordingly, there is no financial risk to the Council.

## Consultation

40. Section 15 of the Reserves Act 1977 requires the HBRC to give public notice that it intends to pass a resolution to authorise a request the Minister of Conservation for the exchange of the lands, and to call for any objections in writing for a period of one month.
41. The public notice was published in the Hawke's Bay Today newspaper on Thursday 27 April 2023 with objections called for by 27 May 2023.
42. No objections have been received.

## Decision Making Process

43. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
  - 43.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
  - 43.2. The use of the special consultative procedure is not prescribed by legislation.
  - 43.3. The decision has been subject to a public notice period as required under Section 15 of the Reserves Act 1977.
  - 43.4. There are no persons affected by this decision, other than HTST and those future residents of the development that will be impacted by the decision (i.e. benefited if the reserve exchange proceeds, and adversely impacted if the reserve exchange does not proceed).

## Recommendations

That Hawke's Bay Regional Council:

1. Receives and considers the *Wairatahi reserve exchange* staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue, noting the required public notice has been given.
3. Following the outcome of the public notification process required prior to Council requesting the Minister of Conservation approve an exchange of the following land pursuant to Section 15 of the Reserves Act 1977 in light of the benefits of the exchange and given that no objections were received, the Council hereby requests that the Minister approves the exchange of reserve land for land to become reserve as follows:
  - 3.1. *reserve to be exchanged*: 4,710m<sup>2</sup> more or less described as Sections 67 and 68 SO 4388108 comprised in Record of Title 621785 and held by Council as a Local Purpose (soil conservation and river control) Reserve known as the Wellwood Drain.
  - 3.2. *land to become reserve*: 6,337m<sup>2</sup> more or less being part of Record of Title 552618 (Part Lot 5 DP 2976 and Sections 18, 20, 22 SO 438108) and forming part of the Irongate Stream.

### Authored by:

**Rebecca MacKenzie**  
**Regional Business Manager – Central North**  
**Island**  
**the Property Group**

### Approved by:

**Chris Dolley**  
**Group Manager Asset Management**

## Attachment/s

- 1 [!\[\]\(849840539e55921a3851a4ff96d7400d\_img.jpg\)](#) Proposed Wairatahi Develoment Project
- 2 [!\[\]\(c176e0b06f6c5dd85a4598b214d1ebba\_img.jpg\)](#) Plan of proposed Reserve Exchange Areas
- 3 [!\[\]\(66a18e26647fc145bd9198dd182dd107\_img.jpg\)](#) Photographs of Wellwood Drain (existing reserve)
- 4 [!\[\]\(572bcf30fdd4de64673b94584b7c6eca\_img.jpg\)](#) Photos of Irongate Streeam (proposed exchange)
- 5 [!\[\]\(ba6dc7fecffbf82e7fd414c1c97a1ece\_img.jpg\)](#) Copy of published Notice

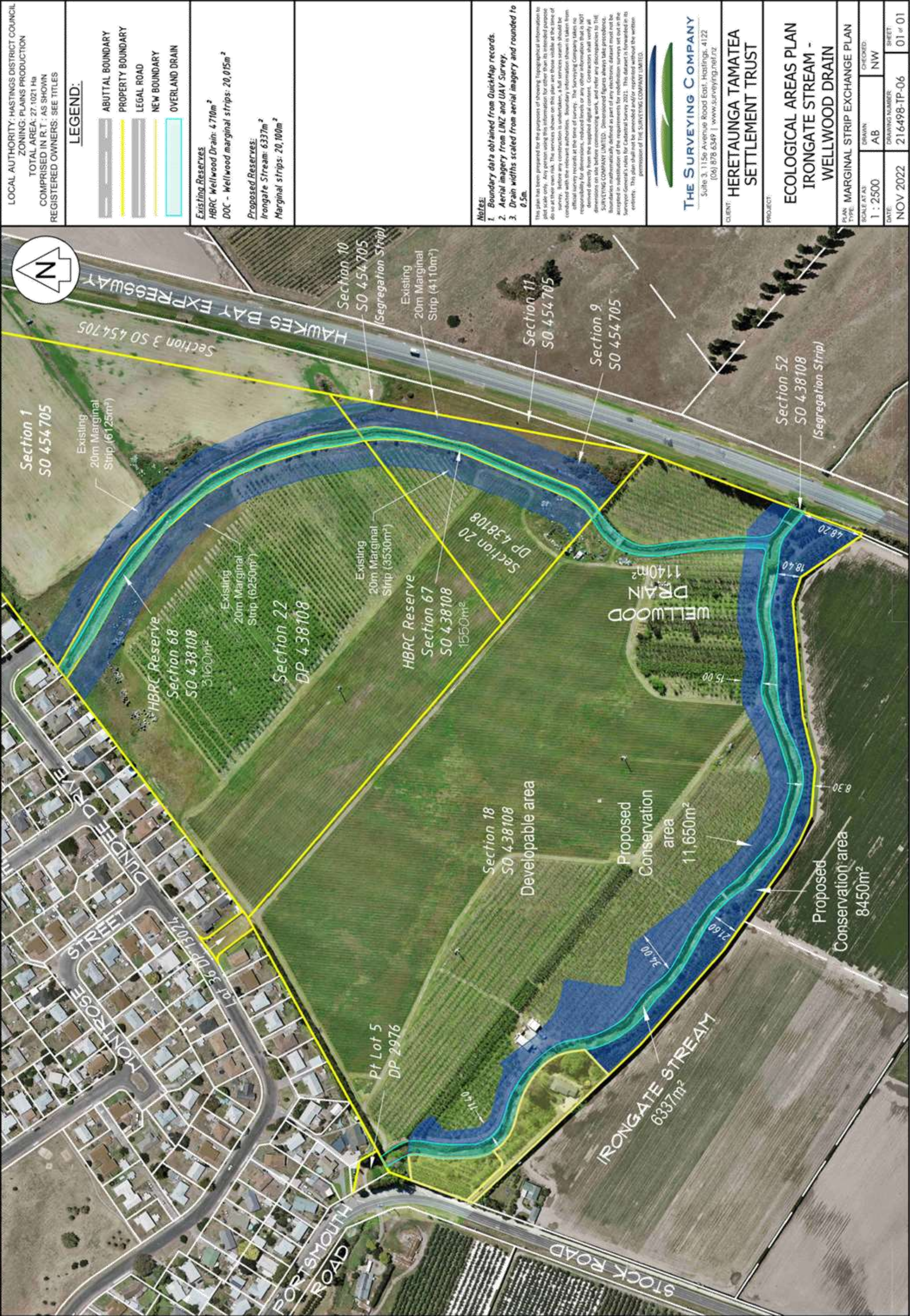










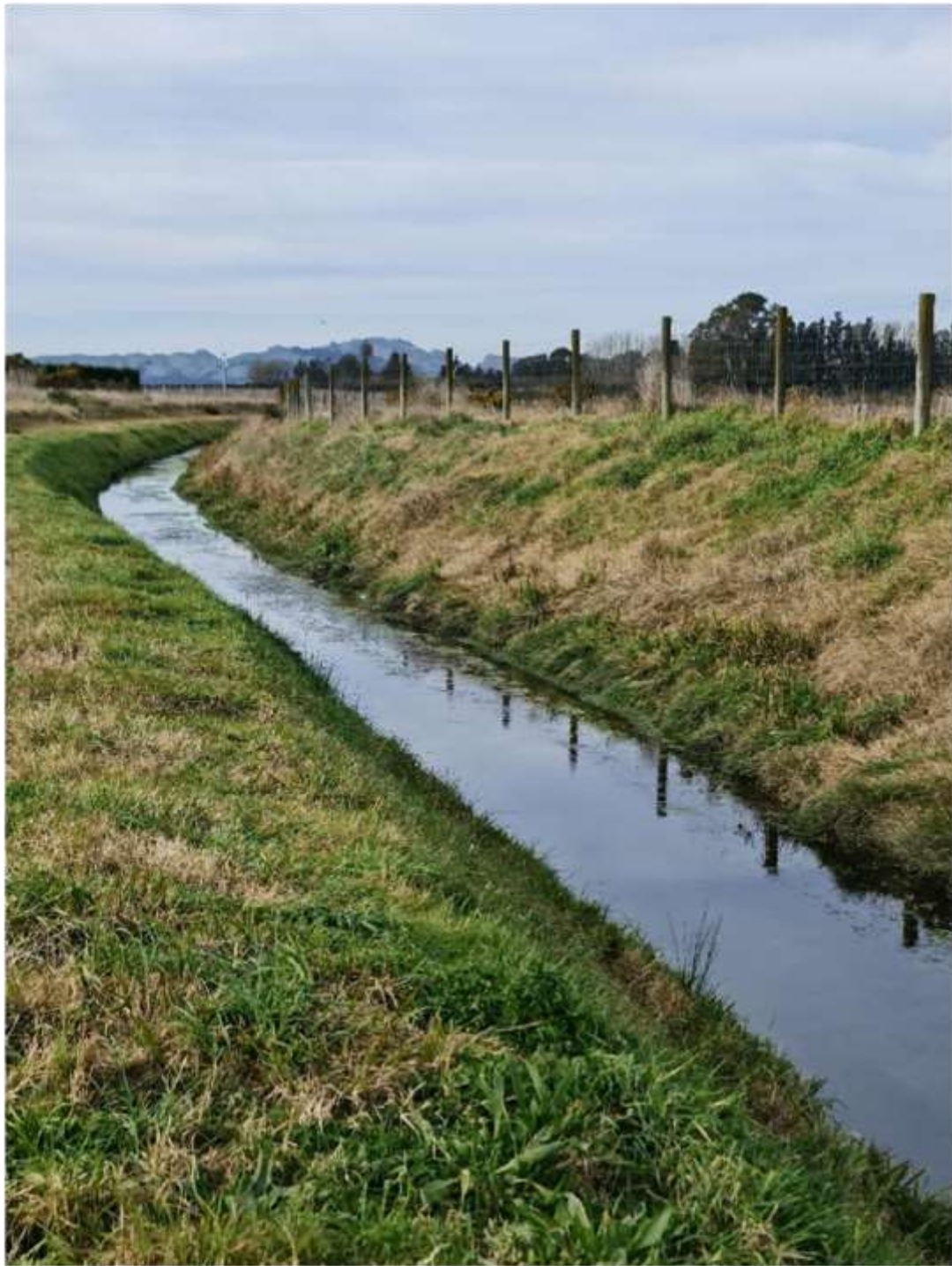






ATTACHMENT 3: PHOTOGRAPHS OF WELLWOOD DRAIN (EXISTING RESERVE)







ATTACHMENT 4: PHOTOGRAPHS OF IRONGATE STREAM (PROPOSED EXCHANGE)















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## Public Notices

## Proposed exchange of reserve for other land

Pursuant to Section 15 of the Reserves Act 1977, the Hawke's Bay Regional Council gives public notice that it intends to request that the Minister of Conservation approves the exchange of the lands in the following schedule (being to exchange a local purpose (soil conservation and river control) reserve that is part of a drain known as the Wellwood Drain for the bed of part of the Irongate Stream, on the site known as Wairatahi, located at 238 Stock Road, Flaxmere):

### Schedule

4,710m<sup>2</sup> more or less as described as Sections 67 and 68 SO 438108 comprised in Record of Title (RT) 621785.  
 6,337m<sup>2</sup> (subject to survey) owned by the Heretaunga Tamatea Settlement Trust being part of RT 552618 (Part Lot 5 DP 2976 and Sections 18, 20, 22 SO 438108).

A plan of the proposed exchange,

and further details may be obtained from:

Chris Delleay, Hawke's Bay Regional Council

Group Manager Asset Management

Email [info@hbrc.govt.nz](mailto:info@hbrc.govt.nz) or

phone 06 835 9200 or 0800 108 838.

Any person wishing to object to the proposed exchange of reserve for the other land described in this notice may do so in writing no later than 27 May 2023 to the contact details provided above.

Pieri Munro  
 INTERIM CHIEF EXECUTIVE

[hbrc.govt.nz](http://hbrc.govt.nz)

**HAWKES BAY**  
 REGIONAL COUNCIL  
 15 Wairatahi Road, 238 Stock Road, Flaxmere

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**Subject: Resetting the General Rate for the 2022-2023 rating year****Reason for Report**

1. This report seeks a Council resolution to reset the general rate for the 2022-2023 rating year to regularise an irregularity in the rates resolution made in the Council meeting on 29 June 2022.

**Executive Summary**

2. Since setting the general rate (and other rates) for the 2022-2023 rating year on 29 June 2022, an irregularity has been identified in the rates resolution setting the general rate; the calculation factors for Central Hawke's Bay District Council and Wairoa District Council were inadvertently stated the wrong way around in the resolution only.
3. Central Hawke's Bay district's general rate calculation factor was presented as '0.02355' but should have been '0.02773', while Wairoa district's general rate calculation factor was presented as '0.02773' and should have been '0.02355'.
4. This was identified by our external auditors, Ernst and Young NZ, when on site undertaking the interim audit review.
5. We have sought legal advice and confirmed that the use of the rate resetting procedure in section 119 of the Local Government (Rating) Act 2022 (Rating Act) is available to the Council and is the appropriate mechanism for correcting the error.

**Background**

6. Under section 119 (3)(a) of the Rating Act, Hawke's Bay Regional Council has given 14 days public notice of its intention to set the general rate for 2022-2023 again, via a public notice in the HB Today and online on 14 June 2023 (*see attachment*).
7. The calculation factors included in the 2022-2023 Annual Plan were correct, as were the rates assessments issued for the 2022-2023 year.
8. Resetting the general rate will not change the amount of rates assessed for any rating unit in the region.
9. Rates can only be reset in the year for which the rates were set. The 2022-2023 rating year ends on 30 June 2023.

**Options**

	Advantages	Disadvantages
Reset general rate as per recommended option	Regularises an irregularity and puts beyond doubt the validity of the rate  Uses the precise procedure provided for correcting irregularities of this nature	None
Reject recommended option and receive further advice on the Council's options	None	Rate resetting procedure will no longer be available. Regularisation options could be more complex.

10. Given the above analysis, it is recommended that the Council resolve to reset the general rate for the 2022-2023 year.

### **Decision Making Process**

11. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
  - 11.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
  - 11.2. The use of the special consultative procedure is not prescribed by legislation.
  - 11.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
  - 11.4. There are no persons affected by this decision.
  - 11.5. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

### **Recommendations**

That Hawke's Bay Regional Council:

1. Receives and considers the *Resetting the general rate for the 2022-2023 rating year* staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.
3. Confirms that Council giving public notice on 14 June 2023 that Council intended to reset the general rate and the reasons why this was considered desirable.
4. Revokes paragraph 2.1 of Council resolution RC58/22 made on 29 June 2022 setting the general rate.
5. Sets the general rate for the 2022-2023 financial year under the Local Government (Rating) Act 2002 on rating units in the region for the financial year commencing on 1 July 2022 and ending on 30 June 2023 (inclusive of GST) as described below, and directs the following as a replacement for paragraph 2.1 of Council resolution RC58/22:
  - 5.1 A general rate under sections 13 and 131 of the Local Government (Rating) Act 2002 on an estimate of projected land value as per the following table.
6. Confirms in accordance with paragraph 3 of Council resolution RC58/22 that the due date for the payment of the general rate for the 2022-2023 rating year was 20 September 2022.
7. Confirms in accordance with paragraph 4 of RC58/22 that, under sections 57 and 58(1)(a) of the Local Government (Rating) Act 2002, a fixed 10% penalty was applied to unpaid current general rates as at 21 September 2022 and was calculated by multiplying the outstanding general rates by 10% and then adding that penalty sum to the amount outstanding as at 21 September 2022. The penalty was added on 21 September 2022.

### **Authored by:**

**Chelsea Spencer**  
**Senior Group Accountant**

**Chris Comber**  
**Chief Financial Officer**

**Approved by:**

**Bill Bayfield**

**Interim Chief Executive**

**Attachment/s**

**1** [!\[\]\(23d9fc146e83b5c3013cfa32c784f8d5\_img.jpg\)](#) Council public notice of intention to set general rate 2022-2023



# Public Notice of intention to set the general rate for 2022-2023 again

Hawke's Bay Regional Council has identified an irregularity in the setting of the general rate for the 2022-2023 financial year and intends to set the rate again at the Council meeting on 28 June 2023, in accordance with section 119 of the Local Government (Rating) Act 2002.

The rates resolution made in the Council meeting on 29 June 2022 included a transposition error in the general rate where the calculation factors for Central HB District and Wairoa District were presented the wrong way around. Central HB District's general rate calculation factor was presented as '0.02355' and will be corrected to '0.02773' while Wairoa District's general rate calculation factor was presented as '0.02773' and will be corrected to '0.02355'.

The calculation factors included in the 2022-2023 Annual Plan were correct as were the rates assessments issued for the 2022-2023 year. Setting the general rate again will have no impact on these (the amount of rates assessed to rating units in the region will not change).

As described in the 2022-2023 Annual Plan, the general rate for 2022-2023 should have been set as:

Groups of Activities	Districts	Rates set on	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2022/2023	Estimated amount of \$100,000 value per property	2021-22 Rate
<b>GENERAL RATE</b>				<b>Cents in \$</b>			
	Napier City	Land Value		0.03220	\$ 2,977,841	\$32.20	\$2,535,043
	Hastings District	Land Value		0.03594	\$ 5,166,798	\$35.94	\$4,352,615
	Central HB District	Land Value		0.02773	\$1,613,221	\$27.73	\$1,197,655
	Wairoa District	Land Value		0.02355	\$ 668,810	\$23.55	\$469,627
	Taupō District	Land Value		0.03395	\$ 22,633	\$33.95	\$18,568
	Rangitikei District	Land Value		0.02623	\$ 4,314	\$26.23	\$9,226
					<b>\$10,453,617</b>		<b>\$8,582,734</b>

The examples of general rates assessments on pages 44 to 49 of the 2022-23 Annual Plan are correct.

The Council considers it is desirable to set the general rate again to regularise the irregularity. Rate resetting can only occur in the financial year in which the rate was set.

**Chris Comber**  
Chief Financial Officer  
Hawke's Bay Regional Council

[hbrc.govt.nz](http://hbrc.govt.nz)







**Subject: Exemption of Council Controlled Organisation – Hawke's Bay Disaster Relief Trust**

**Reason for Report**

1. This report seeks Council's review of the exemption granted to the Hawke's Bay Disaster Relief Trust (the Trust) pursuant to section 7(3) of the Local Government Act 2002 exempting the Trust from being a 'council-controlled organisation' and approval to extend the exemption granted to the Trust for up to a further 3 years.

**Executive Summary**

2. In May 2020 the Hawke's Bay Disaster Relief Trust was launched in response to the prolonged drought in Hawke's Bay. At the time of inception, the trust was exempted by the Local Authorities from the requirements relating to council-controlled organisations pursuant to section 7(3) of the Local Government Act 2002.
3. This exemption was granted by resolution of Council by all 5 shareholding councils in their individual council meetings held during June 2020 (HBRC meeting dated 24 June 2020).
4. In accordance with section 7(6) of the Local Government Act, this exemption must be reviewed every 3 years and is now due for review.
5. There is no express requirement in the Act for all shareholding councils to exempt an organisation as a CCO for the exemption to be effective, therefore it has been deemed only one council needs to review the exemption going forward.
6. On 7 June 2023, the Hawke's Bay Disaster Relief Trust Trustees approved HBRC to be the Local Authority with the sole responsibility to extend or revoke the exemption going forward.

**Background /Discussion**

7. The Local Government Act 2002 (the Act) extended the accountability regime for Council Controlled Organisations (CCOs) to include all non-profit entities associated with local authorities.
8. Under the Act, all CCOs have had to comply with the accountability and reporting requirements, which are generally more complex than those that applied under their trust deeds, company constitutions or other rules. This includes the requirement to have a statement of intent made publicly available by Council, and report on performance information (financial and non-financial) in Council's annual report for the year. Audit is also required to report on the performance targets and other measures by which performance was judged against the entity's objectives. Compliance with the Act adds additional layers of planning, reporting, accountability and cost to the entity and Council.
9. Section 7 of the Act provides for certain entities to be exempted from the requirements for CCOs.
  - 9.1. Small non-profit CCOs can be exempted by a local authority. The Act does not define "small", but a local authority cannot exempt a council-controlled trading organisation. When exempting a non-profit CCO, the local authority must consider:
    - 9.1.1. the nature and scope of the activities provided by the CCO (section 7(5)(a)); and
    - 9.1.2. the costs and benefits, if an exemption is granted, to the local authority, the CCO, and the community (section 7(5)(b)).

10. The power for councils to exempt small CCOs from the requirements was included in the Act to address concerns raised about compliance costs for small non-profit entities. Once exempted under section 7 of the Act, an entity is not subject to any of the accountability requirements of the Act.
11. An exemption under the Act does not affect any other accountability requirements or other legislation, or provisions in an entity's own trust deed, company constitution or other rules.
12. Council may revoke an exemption at any time and must review any exemption every 3 years.

#### **Consideration of the nature and scope of activities provided by the Trust (Section 7(5)(a))**

13. Day to day the Hawke's Bay Disaster Relief Trust is a small entity with limited or no turnover.
14. This changes during an emergency where the Trust is gifted monies to administer within the confines of the Trust Agreement.
15. In February 2023 the Minister for Emergency Management announced a \$1 million contribution to the Hawkes Bay Relief Trust (otherwise known as the Hawkes Bay Mayoral Fund or DRFT) and the trust was relaunched in response to Cyclone Gabrielle.
16. Funds received will be used to provide immediate support to Hawkes Bay Communities, individuals, families, community organisations and marae impacted by Cyclone Gabrielle. Payments go towards helping to alleviate hardship experienced due to the flooding, prolonged power outages and landslips.
17. As at 31 May 2023 public donations were ~\$6 million. This is in addition to the \$1 million from the Minister for Emergency Management. Grants provided to the community were \$3.2 million, with the remaining funds still to be paid out over the coming months.
18. The response to Cyclone Gabrielle is ongoing and it is unknown how many/what value of donations will be received going forward.

#### **Consideration of the costs and benefits, if an exemption is granted, to Council, the Trust, and the community (section 7(5)(b))**

19. The scale and type of operations of the Trust does not warrant the additional planning, reporting, accountability and associated cost to the Trust and Council that would be required if the Trust was a CCO. In addition, the rules that the Trust and Council are required to follow under existing legislation and their own rules are considered adequate to hold the Trust and Council accountable to its stakeholders.
20. It is prudent for Council to extend the CCO exemption based on the relatively small size of the Trust. The level of reporting required of a CCO under the LGA is disproportionate to the size, type, and the breadth of operations the Trust undertakes.
21. Under Part 5 of the Act, compliance costs and other requirements are prohibitive for a small entity such as the Trust. The effect on the community of these entities being exempt from the Council Controlled Organisation requirements would be minimal.
22. An exemption would limit Council and the Trust's exposure to additional costs such as reporting costs and audit fees. Keeping these administration costs low is of benefit to all parties.

#### **Decision Making Process**

23. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
  - 23.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
  - 23.2. The decision is not significant under the criteria contained in Council's adopted

Significance and Engagement Policy.

- 23.3. Given the nature and significance of the issue to be considered and decided, Council can exercise its discretion and make this decision without consulting directly with the community or others having an interest in the decision.

### Recommendations

That Hawke's Bay Regional Council:

1. Receives and considers the *Exemption of Council Controlled Organisation – Hawke's Bay Disaster Relief Trust* staff report.
2. Reviews the exemption granted to the Trust under section 7(3) of the Local Government Act 2002, taking into consideration the discussion in this report on the nature and scope of the activities of the Trust, and the costs and benefits to Council, the Trust and the community if the exemption is extended as required by section 7(6)(a) of the Act.
3. Approves an extension of the exemption granted to the Hawke's Bay Disaster Relief Trust under section 7(3) of the Act for up to a further 3 years (being the three-year period ending 30 June 2026).
4. Notes that the exemption must be reviewed at least every three years and can be revoked at any time. It is recommended the exemption is reviewed before 30 June 2026.

### Authored by:

**Chelsea Spencer**  
Senior Group Accountant

### Approved by:

**Susie Young**  
Group Manager Corporate Services

**Chris Comber**  
Chief Financial Officer

### Attachment/s

There are no attachments for this report.



**Subject: Charging of Section 36 RMA freshwater science charges where legal impediment exists**

**Reason for Report**

1. This paper seeks a Council decision on how to progress with the collection of section 36 Resource Management Act 1991 (RMA) freshwater science charges for consents where a legal impediment exists to the actual use of the consent (e.g. where a consent cannot legally be exercised).
2. In August 2022, Council requested that staff advise on options for an amendment to the Long Term Plan to ensure that Council takes a consistent approach to all water consents that have a legal impediment to being exercised. This was requested as a result of significant debate about consents held by Water Holdings Hawke's Bay which were accruing outstanding unpaid section 36 charges.
3. Based on legal advice from Simpson Grierson the paper recommends that section 36 charges applied to consents, where legal impediments exist, are remitted.
4. This proposal is a direct outcome of the review undertaken of the methodology change in 2021 performed and how consents with a legal impediment can be treated under the fees and charges policy.
5. Council officers propose that all fees charged on consents with a legal impediment, since the fee change in 2021 be reversed, given it is unclear how charging for these specific consents complies with RMA Section 36AAA.

**Background**

6. The Council sets charges for freshwater science monitoring under section 36 of the RMA. The charges were first introduced in 2010, and the methodology for the charges was most recently updated in 2021 as part of the 2021 Long-term Plan (**LTP**).
7. The Council's charges apply to holders of resource consents for discharges or takes from water, and are based on the consented volumes of water (not actual volumes of water). This means that even where a legal impediment (beyond the control of the consent holder) exists meaning a consent cannot be exercised and water cannot be discharged or taken, section 36 charges may still apply.
8. The Council has received legal advice from Simpson Grierson which discusses the ability to impose section 36 charges in these circumstances and risks associated with the Council's 2021 decision to fix the section 36 charges when adopting the 2021 LTP.
9. In general, a council can impose a section 36 charge on a consent holder who is not yet able to exercise their consent, provided the Council is satisfied that the consent holder receives a greater benefit from its freshwater science monitoring than the general public (see section 36AAA(3)(c) of the RMA).
10. The Council's current s.36 freshwater science charges approach, specifically the methodology applied in 2021 makes no distinction for consents that are unable to be exercised specifically where a legal impediment exists and how these particular consents receive a greater benefit from freshwater science monitoring. This creates legal risk associated with those charges since 2021.

11. Council officers understand that there is currently one major consent holder (Water Holdings Hawkes Bay) where the relevant water discharge and water take consents cannot be legally exercised due to a legal impediment outside the control of the consent holder.
12. A discussion has been held with a key representative from Water Holdings Hawkes Bay and the Council's Interim Chief Executive as to the current proposed situation. Water Holdings has acknowledged that payments will be made for outstanding consent charges prior to 2021. This amounts to \$71,380.

### **Consideration of potential options**

13. In light of the considerations in section 36AAA and legal risk, it is considered inappropriate to levy the s.36 charge calculated based on the current methodology (changed in July 2021) where consents are unable to be legally exercised.
14. Some level of charge may still be appropriate in light of the potential that the consents be exercised in the future, and on this basis there is some level of benefit to the consent holder over and above the community as a whole. If this were considered a capped fee approach could be adopted.
15. In order to address the situation, officers have identified a number of options for Council's consideration and decision.
  - 15.1. Option 1: Do nothing.
  - 15.2. Option 2: Remit the annual freshwater science charges issued since July 2021 (under the new LTP 2021 methodology), and re-issue the charges using a fee calculation based on the methodology used prior to the LTP 2021 change.
  - 15.3. Option 3: Remit the charges issued since July 2021 (under the new LTP 2021 methodology), and replace the annual charge with a fee capped at a maximum of \$25,000 per consent.
  - 15.4. Option 4: Remit all annual freshwater science charges issued since July 2021 (under the new LTP 2021 methodology).
  - 15.5. Option 5: Remit all outstanding annual freshwater science charges.
16. Options 1 and 2 and 3 align with a consideration that there is some level of benefit to the consent holder of the water science activities, over and above the community as a whole, for holding a consent, albeit where they are unable to legally exercise that consent. The consent holder should therefore continue to contribute to the costs of water science and monitoring activities, but not to the extent that the 2021 LTP methodology calculates. That is, the quantum of the charge calculated in the current LTP methodology is not in line with the benefit. However this option still leaves HBRC open to legal risk should this be challenged.
17. Options 3 and 4 align with a consideration that benefit to the consent holder who has a legal impediment to exercise their consent, is not greater than the community as a whole, and the charges should not be applied at all.
18. A formal change to the fees and charges policy cannot be made without consultation. Therefore, the fees for the 2023-2024 year will still be raised in line with the current fees and charges policy, and any remission approach would need to be considered again.
19. Proposed changes to the fees and charges applicable to consents where there is a legal impediment to their exercise will be consulted on as part of the review of the Council's fees and charges policy as part of the 2024 LTP process.

## Financial and Resource Implications

20. If all or part of the 2021-2022 and 2022-2023 charges are remitted for consents that have a legal impediment to exercise, the difference would be recorded as a reduced revenue within the 22/23 FY, and the funding shortfall for the water science activity would be funded from general funds.
21. The table below outlines the financial impact of the 4 options outlined in this paper, in relation to the one consent holder identified as having a legal impediment to exercise their consent. All figures are exclusive of GST.

Option	Description of proposed charges approach for consents with a legal impediment to exercise	Original Charges owing	Proposed Revised Charges owing	Revenue reduction/ write off <sup>1</sup>
<b>1</b>	Do nothing	20/21 \$71,380 21/22 \$154,449 22/23 \$157,126 Total: \$382,956	20/21 \$71,380 21/22 \$154,449 22/23 \$157,126 Total: \$382,956	\$0
<b>2</b>	Remit all annual freshwater science charges issued since July 2021 (new methodology), and re-issue an annual charge for 21/22 and 22/23 using the old calculation methodology (pre LTP 2021).	20/21 \$71,380 21/22 \$154,449 22/23 \$157,126 Total: \$382,956	20/21 \$71,380 21/22 \$82,272 22/23 \$93,718 Total: \$247,371	\$135,585
<b>3</b>	Implement a maximum charge on the total annual freshwater science charges issued since July 2021 (new methodology) at \$25k per consent.	20/21 \$71,380 21/22 \$154,449 22/23 \$157,126 Total: \$382,956	20/21 \$71,380 21/22 \$51,754 22/23 \$51,029 Total: \$174,164	\$208,792
<b>4</b>	Remit all annual freshwater science charges issued since July 2021 (new methodology). Charges issued prior to July 2021 would still be due.	20/21 \$71,380 21/22 \$154,449 22/23 \$157,126 Total: \$382,956	20/21 \$71,380 21/22 \$0 22/23 \$0 Total: \$71,380	\$311,576
<b>5</b>	Remit all outstanding annual freshwater science charges.	20/21 \$71,380 21/22 \$154,449 22/23 \$157,126 Total: \$382,956	20/21 \$0 21/22 \$0 22/23 \$0 Total: \$0	\$382,956

22. Officers recommend that Option 4 is the fairest outcome for both rate payer and HBRC, such that charges remain payable prior to the methodology change in 2021.
23. In this way, other consent holders would not be directly impacted by a change until such time as the s.36 charges methodology is reviewed (LTP 2024), where the public will have the opportunity to provide their views on any potential change.

## Decision Making Process

24. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
- 24.1. The decision to provide remission of s.36 freshwater science (including all the options outlined above) does not significantly alter the service provision or affect a strategic asset, so is not a decision caught by section 97 of the Act requiring a long-term plan

<sup>1</sup> Difference to be covered via General Funds (in 22/23)

amendment.

- 24.2. The RMA allows for the Council to remit charges in whole or part in any particular case.
- 24.3. The persons affected by this decision are all persons with an interest in the region's management of natural and physical resources under the RMA and all ratepayers.
- 24.4. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion with regards to the current years charges and previous years outstanding charges and make a decision without consulting directly with the community or others having an interest in the decision.
25. Should the Council choose to approve any option other than the "Do nothing" option, then Council officers are of the view that such a decision would be significantly inconsistent with, or anticipated to have consequences that will be significantly inconsistent with, the Council's Fees and Charges Policy. Accordingly, when making such a decision, the Council needs to comply with section 80 of the Act by clearly identifying:
  - 25.1. the inconsistency and the reasons for it, and
  - 25.2. any intention of the Council to amend the policy or plan to accommodate the decision.
26. On this basis, the relevant inconsistency identified by Council officers is that the Fees and Charges Policy does not anticipate or provide for the Council to remit freshwater science charges in the present circumstances (i.e. where a consent cannot legally be implemented). In fact, the Fees and Charges Policy is drafted on the basis that such charges would be charged on the basis of consented volumes (not actual volumes). The reason for the inconsistency is because the present circumstances (a very large consent holder is not able to legally implement the relevant consents) were not properly anticipated when adopting the policy.
27. Council officers propose that changes to the Fees and Charges Policy be consulted on as part of the Long-term plan 2024-34 consultation next year, in order to accommodate this type of decision (i.e. remission of charges or non-charging in circumstances where a consent cannot be legally implemented).

### **Recommended option**

28. Officers recommend that the Council adopts Option 4 (as described above at paragraphs 16 and 23). This is because, in the officers' view, Option 4:
  - 28.1. acknowledges the overall change in methodology in 2021 as a valid change
  - 28.2. is expected to reduce legal risk significantly (with the only option that may reduce it more being Option 5)
  - 28.3. is the fairest outcome for both the general ratepayer and Council, and consent holders generally, because it appropriately balances the methodology change (and pre-2021 fees and charges) with the reduction in legal risk.

### **Recommendations**

That Hawke's Bay Regional Council:

1. Receives and considers the *Charging of Section 36 RMA freshwater science charges where legal impediment exists* staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without consultation.
3. Agrees that where legal impediment exists on consents, that annual freshwater science charges for these will not be applied using the current LTP 2021 methodology, and approves Option 4:



Remit all annual freshwater science charges issued since July 2021 (under the new LTP 2021 methodology).

4. Agrees that formal consultation will be undertaken on any proposed changes to the Fees and Charges Policy as part of the 2024 Long Term Plan consultation.

**Authored & Approved by:**

**Susie Young**  
**Group Manager Corporate Services**

**Bill Bayfield**  
**Interim Chief Executive**

**Attachment/s**

There are no attachments for this report.



**Subject: Report and recommendations from the Corporate & Strategic Committee**

**Reason for Report**

1. The following matters were considered by the Corporate and Strategic Committee (C&S) meeting on 5 April 2023 and the recommendations agreed to are now presented for Council's consideration alongside any additional commentary from the Committee Chair, Councillor Neil Kirton, wishes to offer.

**Agenda items**

2. The **2023-2024 Annual Plan engagement** item presented the engagement document *Introducing our Annual Plan 2023-2024 – Supporting the region's recovery* ahead of the engagement process starting on Friday 16 June 2023. The Committee adopted *Annual Plan 2023-2024 – Supporting the region's recovery* for community engagement and agreed to the engagement period, exercising its delegated powers to make the decision with the same effect as the Regional Council could itself have exercised; the resolution being carried unanimously.
3. The **Annual Compliance, Monitoring, and Enforcement Report 2021-2022** item presented the report, seeking a recommendation to today's Council meeting for its adoption for publication. Highlights from the report included:
  - 3.1. 92% of water takes were compliant
  - 3.2. virtually all dairy farms and all consented feedlots were compliant with resource consent conditions.
4. The **Policy for the treatment of enforcement revenue** item proposed a policy for the Committee's feedback and recommendation to Council for its adoption and implementation.
  - 4.1. The Policy for the treatment of enforcement revenue provided a new policy for managing payments and fines for environmental infringements. The C&S Committee agreed the following amendments to the policy for recommendation to Council for adoption.
    - 4.1.1. Allocation of funds to environmental protection & restoration projects in excess of \$100,000 will be referred to Council for decision, and
    - 4.1.2. the amount of any specific fines or prosecution receipts to be applied to particular affected areas will be identified and recorded.
5. The **Investment Strategy Review phase 2 approach** item proposed to Council the continuation of actions required to address the effectiveness of the way in which HBRC is managing its investment portfolio, including HBRIC. Specifically the Council supported recommendations that:
  - 5.1. HBRIC has a broader role in managing all investments on behalf of the Group,
  - 5.2. HBRIC Board considers appropriate staffing to enable success, and that HBRC staff Investigate opportunities to better utilise or manage strategic assets that can be put forward to the next Long-Term Plan.
6. The **HBRIC Ltd Quarterly update** was shared by the Chair of HBRIC, Dan Druzianic, highlighting the Napier Port positive trade volumes for the six months to 31 March 2023, on the back of higher container volumes (14.5% increase) and the return of cruise vessels (62 calls compared to 1 in the previous year). Overall revenue increased 22.8%.

7. The **Financial summary for the period to 31 March 2023** item presented the quarterly financial updates noting the operating position for the council to 31 March 2023 was \$16.6m adverse to budget, and the full year forecast is tracking towards being \$21.3m deficit. These adverse variances are driven by Cyclone Gabrielle response expenditure and lower than expected investment returns.
8. The following agenda items were taken as read, and not discussed:
  - 8.1. **Organisational Performance report for the period 1 January – 31 March 2023**
  - 8.2. **HBRC Cyclone Gabrielle impacts recognition and disclosure update**
  - 8.3. **Hawke's Bay Regional Economic Development Agency - 1-year update.**
9. The **HBRIC independent director remuneration** item, considered in Public Excluded session, confirmed the remuneration for the two newly appointed independent directors, exercising its delegated powers to make the decision with the same effect as the Regional Council could itself have exercised; the resolution being carried unanimously.

### **Decision Making Process**

10. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
  - 10.1. Given the items were specifically considered by the Corporate and Strategic Committee on 5 April 2023 the Council can exercise its discretion and make the relevant decisions without consulting directly with the community or others having an interest in those in accordance with the following recommendations.

### **Recommendations**

The Corporate and Strategic Committee recommends that Hawke's Bay Regional Council:

1. Receives and considers the *Report and recommendations from the Corporate and Strategic Committee*.
2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.

### **2023-2024 Annual Plan engagement**

3. Notes the decisions of the Corporate and Strategic Committee to:
  - 3.1. Adopt the *Annual Plan 2023-2024 – Supporting the region's recovery* for community engagement.
  - 3.2. Delegate authority to the Group Manager Corporate Services to make any required minor amendments or edits to the document prior to publication and the start of engagement.
  - 3.3. Agrees to the public engagement and feedback period being 16 June to 2 July 2023.

### **Annual Compliance, Monitoring, and Enforcement Report 2021-2022**

4. Adopts the *Annual Compliance, Monitoring, and Enforcement Report 2021-2022* for publication.

### **Policy for the treatment of enforcement revenue**

5. Adopts the **Enforcement Revenue Spending Policy** (attached) as amended as agreed by the Corporate and Strategic Committee.
6. Establishes a financial reserve for the purpose of receiving funds received through environmental enforcement and to enable the Enforcement Revenue Spending Policy to be implemented.

**Investment Strategy Review phase 2 approach**

7. Supports recommendations that:
  - 7.1. HBRIC has a broader role in managing all investments on behalf of the Group
  - 7.2. HBRIC Board considers appropriate staffing to enable success,
  - 7.3. Investigate opportunities to better utilise or manage strategic assets that can be put forward to the next Long Term Plan.

**HBRIC independent director remuneration**

8. Notes the decision of the Corporate and Strategic Committee to set the remuneration for the independent directors of HBRIC at \$35,000 per annum.

**Authored by:**

**Amy Allan**  
Senior Business Partner

**Mary-Anne Baker**  
Team Leader Policy & Planning

**Rob Hogan**  
Manager Compliance

**Leeanne Hooper**  
Team Leader Governance

**Approved by:**

**Katrina Brunton**  
Group Manager Policy & Regulation

**Susie Young**  
Group Manager Corporate Services

**Attachment/s**

- 1 [!\[\]\(3d0946c14414af438def0008e8322b30\_img.jpg\)](#) May 2023 Enforcement Revenue Spending Policy





<b>Title:</b>	<b>Enforcement Revenue Spending Policy</b>		
<b>Policy no:</b>	<b>CD0030</b>		
<b>Policy first introduced:</b>	2023	<b>Date policy last reviewed:</b>	May 2023
<b>Person responsible for reviewing policy:</b>	Group Manager Policy and Regulation	<b>Next review due:</b>	May 2026
<b>Rationale</b>			
<p>This policy is to provide guidance on how the Hawke's Bay Regional Council (the Council) will spend money collected from environmental offences that include infringement fines, prosecutions and diversion scheme payments paid through court direction following enforcement action under the Resource Management Act 1991(RMA) by the Council.</p> <p>The policy aims to ensure that the money collected from environmental offences is used in a way that is consistent with the objectives of the RMA, which are to promote the sustainable management of natural and physical resources and to avoid, remedy or mitigate any adverse effects of activities on the environment.</p>			
<b>Policy</b>			
<p><b>1. Decision making principles</b></p> <p>1.1. Decisions about spending money collected for environmental offences will be guided by the following principles:</p> <p>1.1.1. The proceeds from environmental offences shall first offset any additional expenditure incurred by the Council to proceed with the prosecution.</p> <p>1.1.2. The surplus proceeds shall be spent on activities that directly or indirectly benefit the environment and the community affected by the environmental offence.</p> <p>1.1.3. The proceeds shall be spent in a transparent and accountable manner, with clear reporting and auditing mechanisms through annual plans and reports.</p> <p>1.1.4. Allocated money (including diversion scheme payments) shall be spent in a timely and efficient manner, without unnecessary delays or administrative costs.</p>			
<p><b>2. Fund Management</b></p> <p>2.1. The Council will:</p> <p>2.1.1. collect infringement fines, prosecution receipts and diversion payments during the financial year into the pollution and response workstream budget,</p> <p>2.1.2. assess the costs incurred to support the prosecution of environment offences at financial year end to identify the quantum of infringement fines and prosecution receipts that are required to offset any additional expenditure above the annual budgeted amount,</p> <p>2.1.3. transfer surplus receipts to a Council created reserve (Enforcement Revenue Reserve Fund) for future environmental protection and restoration activities and managing diversion scheme funds,</p> <p>2.1.4. keep records about the amount of any specific fine or prosecution receipt that is to be applied in relation to a particular environmental infringement,</p>			

<p>2.1.5. report in the Council's Annual Plan and Annual Report on the projects being funded by the Enforcement Revenue Reserve Fund including objectives for each project and expected budgets and timeframes for delivery.</p>
<p><b>3. Funding Purposes</b></p> <p>3.1. The Enforcement Revenue Reserve Fund will be used to support projects and initiatives aimed at protecting and restoring the environment, including but not limited to:</p> <p>3.1.1. Restoration or enhancement of damaged ecosystems.</p> <p>3.1.2. Measures to reduce pollution and waste.</p> <p>3.1.3. Measures to mitigate the adverse effects on people and communities affected by the environmental offence.</p> <p>3.1.4. Delivery of any projects required through Court directed diversion schemes.</p>
<p><b>4. Funding Application Process</b></p> <p>4.1. Proposals for funding must be made in the prescribed form and may be made:</p> <p>4.1.1. by any person or community affected by the environmental offence,</p> <p>4.1.2. through invitation by the HBRC to people or communities affected by the environmental offence.</p>
<p><b>5. Funding Allocation and Management</b></p> <p>5.1. The allocation of funds to environmental protection and restoration projects up to \$100,000 for any one project will be decided by the Chief Executive and HBRC Group Manager Policy and Regulation.</p> <p>5.2. The allocation of funds to environmental protection and restoration projects over \$100,000 for any one project will be referred to the Council for approval.</p> <p>5.3. The HBRC Group Manager Policy and Regulation and the Council will evaluate proposals for funding based on their potential impact on the environment and their alignment with this policy, subject to the following considerations:</p> <p>5.3.1. Not all money received in any one year need necessarily be spent in the same or any year,</p> <p>5.3.2. Funding will not be allocated to activities that are already funded by other sources, including other grants or subsidies,</p> <p>5.3.3. The Council may provide direct administration and contract management for works and services being funded under this policy, including those part of any diversion scheme,</p> <p>5.3.4. A requirement for the recipient of funding from the Enforcement Revenue Reserve Fund to prepare and lodge with the HBRC Group Manager Policy and Regulation a:</p> <p>5.3.4.1. project plan that contains objectives to be met by the project, timeframes, budget and project milestones and,</p> <p>5.3.4.2. a final report on the project, including how money was spent and an assessment as to how the project protected or restored the environment according to the project objectives,</p> <p>5.3.4.3. and the plan and final report are to be at a scale appropriate to the nature and scale of the project.</p>



**Subject: Renewal of the Health and Safety Governance Charter**

**Reason for Report**

1. This item presents the *Health and Safety Governance Charter* for Council to adopt for the remainder of the triennium through to 2025.

**Officers' Recommendation(s)**

2. Staff recommend that the Council adopts the *Health and Safety Governance Charter* as proposed, noting that it will be reviewed at the beginning of each new triennium.

**Executive Summary**

3. The *Health and Safety Governance Charter* was first adopted in 2019, as recommended by a Crowe Horwath (Auditors) internal audit.
4. Further, it was recommended that the Charter be reviewed and re-adopted by subsequent councils at the beginning of each triennium.

**Background**

5. Crowe Horwath was engaged in November 2018 as part of the Council's internal audit programme, to review Hawke's Bay Regional Council's (HBRC) health and safety management systems. One of the recommended management actions from the audit was that a *Charter for Health and Safety Governance* should be established to meet the requirements of the Institute of Directors and WorkSafe (NZ) Health and Safety – *Good Governance for Directors Guide*. The first Charter was adopted by HBRC in April 2019.
6. Initially it was thought the Charter would be reviewed annually. However, being that the fundamentals underlying Charter are unlikely to change within such a short time, it was decided reviews would be undertaken at the beginning of each triennium.

**Strategic Fit**

7. This Charter supports the *Health, Safety and Wellness Strategic Plan* (attached) goals and actions.

**Financial and Resource implications**

8. There are no budget implications for the adoption of the *Health and Safety Governance Charter*.

**Other Considerations**

9. This charter will support the Council to move to a new health and safety auditing standard, ISO45001, approved by the Executive Leadership Team (ELT) in November 2022.

**Decision Making Process**

10. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
  - 10.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
  - 10.2. The use of the special consultative procedure is not prescribed by legislation.

- 10.3. The persons affected by this decision are the elected representatives and staff of HBRC.
- 10.4. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

## **Recommendations**

That Hawke's Bay Regional Council:

1. Receives and considers the *Renewal of the Health and Safety Governance Charter* staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue.
3. Adopts the *Health and Safety Governance Charter* as proposed for signature by the Council Chair and Deputy Chair.

## **Authored by:**




**Kirsty McInnes**  
**Team Leader Health Safety & Wellbeing**

## **Approved by:**

**Liana Monteith**  
**Manager People & Capability**

**Bill Bayfield**  
**Interim Chief Executive**

## **Attachment/s**

- 1  June 2023 HBRC Health and Safety Governance Charter
- 2  HBRC 2022 Health and Safety Management System Under Separate Cover
- 3  2021-2024 Health Safety and Wellness Strategic Plan



## 1. PURPOSE

The Health and Safety Governance Charter outlines governance responsibilities and provides a high-level overview of health and safety leadership at Hawke's Bay Regional Council (Council).

This Governance Charter is Council's highest level statement regarding health and safety and is supported by a Health and Safety Strategic Plan.

The Councillors (the Council) has a core governance role that requires strong leadership and proactive oversight on all matters relating to health and safety. The Council is committed to ensuring that it complies with its health and safety duties.

## 2. COMMITMENT STATEMENT

Council will maintain an effective governance framework in accordance with the Health and Safety at Work Act (HSWA) 2015, other relevant legislative requirements, and established principles to ensure a thorough oversight of health and safety across the full scope of Council's activities.

This framework will be implemented and regularly reviewed to ensure that Council is continuously acting in accordance with good practice for the governance of health and safety, and in order to manage Council's health and safety risks.

## 3. VISION

Our vision is for Hawke's Bay Regional Council to be a benchmarking health and safety business within local government where we all actively ensure that everyone goes home safe every day.

## 4. SCOPE

The requirements of Council's Health and Safety Governance Charter apply to all Council controlled activities. This includes all Council workplaces and workers (employees, contractors or volunteers) where Council acts as principal to the contract or has significant influence or control over the workers in the workplace.

## 5. RESPONSIBILITIES

As officers under the Health and Safety at Work Act 2015 (HSWA), Councillors are required to exercise due diligence, and in doing so take all reasonably practicable steps to manage health and safety risk. Councillors are responsible for:

- A personal commitment to attaining a thorough understanding of the day-to-day risks faced by employees and contractors doing work for and on behalf of the Council
- Ensuring health and safety is integrated into business strategies, processes and included in performance measures
- Ensuring that the Council has processes for complying with its health and safety duties under relevant legislation and regulations.
- Ensuring that the council leadership manage health and safety risks through the implementation and review of effective risk identification and management strategies
- Ensuring continuous improvement of health and safety practices within Council by establishing measurable and reporting on, appropriate health and safety lead and lag indicators
- Reviewing any serious incidents in consideration of the adequacy of the management response and provision of any support required
- Attending to other health and safety matters that the Council considers prudent from time to time

## 6. MONITOR AND REVIEW

- Council will receive quarterly health and safety reports through the Council quarterly Organisation Performance Reports regarding progress against the health and safety implementation plan, including lead and lag indicators.
- The Council will review the objectives and responsibilities set out in this charter regularly to ensure it adequately sets out the Council's governance role.
- The Hawkes Bay Regional Council Governance charter will be reviewed triennially.

## 7. KEY HEALTH AND SAFETY DOCUMENTS

- Health and Safety Strategic Plan 2021-2024
- Health and Safety Health and Safety Management Plan 2022

**Chair (Hawke's Bay Regional Council)**

**Chair (Finance, Audit and Risk Sub-committee)**

Next review - June 2026

# Health, safety, and wellness

## Strategic plan 2021 - 2024





## INTRODUCTION

The Hawke's Bay Regional Council Executive Leadership Team is committed to the health safety and wellbeing of staff, contractors, and all those we work with across our wider community. We aim to promote and embed a proactive culture that moves beyond legislative compliance, and be seen as a health, safety, and wellbeing leader by those we engage with.



James Palmer  
Chief Executive

The arrival of Covid-19 in 2020 and its progression, saw considerable HSW resource absorbed into managing HBRC's Covid-19 response.

While updates and improvements have been made, HBRC needs to continue to build internal systems and practice to acquire health, safety, and wellbeing excellence. Two further HSW staff were employed in December 2021 to assist with HSW competence, organisational elevation, and increased profile.

Health, safety, and wellbeing needs to be considered at the forefront of every action that the HBRC engages in, from internal transformational change, purchasing, and restructures, extending to all external work, contracts, and day-to-day activity.

Hawkes Bay Regional Council will always continue to improve on its HSW practice and performance against the backdrop of the Health and Safety at Work Act 2015.

This includes:

- committed and sustainable HSW leadership, at every level
- the competence to identify HSW risks, and ensure that these risks are effectively controlled
- fully engaged staff and contractors who take personal responsibility for HSW, both for themselves and others
- effective HSW systems, processes, and practices integrated with the management of our assets
- effective forums and systems for communicating our HSW challenges, improvements, and successes.

*Ko o tatou iwi kei te ngakau o nga mea katoa e mahi ana tatou. Ka whakarite kia noho haumarua ratou i te wa e mahi ana, ka hoki ora mai ki te kainga ia ra*  
**Our people are at the heart of everything we do. We will ensure they are safe while at work, and are returned home safe every day**



## CURRENT STATE

*Health, safety, and wellbeing has a significant focus within Council.*

*Processes and policies have been developed over time to provide effective protection for our workers who undertake activities in a variety of situations and face a range of risks, of varying significance.*

Awareness of the importance of HSW needs further development in the workplace. The need to assess risk in all activities we undertake has been a constant 'work in progress' and is an important part of induction, and as new staff are introduced to Council's HSW commitment.

Regular reports are submitted to the Executive and Council on a range of metrics. There are two health and safety committees that have good staff representation and meet quarterly.

HBRC was previously audited against the ACC WSMP framework, and held Tertiary level. This framework provides a solid health and safety platform, but is no longer available for external audit. In June 2022 an internal audit against that framework will be conducted with a view to a formal external audit prior to end of the year. This will enable the HSW team to explore the market and gain insight from other local authorities on the most appropriate external audit programme to be adopted going forward.



**Hawke's Bay Regional Council is seen as a leader for best practice health, safety and wellbeing, internally and within its community and by government peers, where we all actively ensure that everyone goes home safe and well every day.**

## OUR VISION





## EXECUTIVE LEADERSHIP TEAM HEALTH AND SAFETY COMMITMENT

### Our health and safety commitment

#### What does 'world class' look like?

##### Clarify the vision and focus

*I am clear that nothing is more important than the health and safety of my staff. I will communicate that in a compelling way. I foster a sense of urgency, and I set a personal example for others to follow.*

##### Manage the risk

*I ask the right questions and I insist on timely, accurate, and impartial information to ensure that safety opportunities and risks are balanced*

*I actively seek opportunities to be involved in safety activities, such as incident investigations, frontline safety visits, and safety briefings.*

##### Get personally involved

*I work with my staff so that we go the extra mile to achieve common safety goals.*

##### Engage my group

##### Recognise contributions and safety achievements

*I take time to find out about and acknowledge the efforts my staff put into safety, and I look for meaningful ways to celebrate our safety successes.*

##### Understand that health and safety is an investment

*I commit the necessary resources – people, equipment, systems, information and time – to strengthen safety culture and performance and to create a sustainable zero harm workplace where we ensure staff go home safe.*

*I regularly monitor safety process and performance outcomes to know how my group is tracking, and I change the way we do things to reflect what we learn.*

##### Monitor the right safety outcomes

*I give my staff the tools and responsibility for making the business safe, healthier, and more productive and I hold myself and them accountable.*

##### Let my people get on with it

(Based on the Business Leaders' Health and Safety Forum – World Class Leadership Model)

Signed by the  
Executive of  
Hawke's Bay  
Regional Council  
July 2021



James Palmer  
Chief Executive



Jessica Ellerm  
Corporate Services  
Group Manager



Pieri Munro  
Te Pou Whakarae  
(Māori Partnerships Group Manager)



Katrina Brunton  
Policy & Regulation  
Group Manager



Chris Dolley  
Asset Management  
Group Manager



Iain Maxwell  
Integrated Catchment Management  
Group Manager

## OUR BELIEFS

1.

### **All workers should be able to work in an environment where HSW risks are controlled to enable them to go home safe every day**

We are mindful of the impact of injuries to our workers, the wider community, and the pain and suffering that these injuries can cause. This provides a major driver for HBRC to ensure that the right things are done in the right way, which will deliver a safer work environment and increased commitment from our workers, improved productivity, and enhanced reputation with our stakeholders. We recognise that our work is not risk-free; however, where hazards and associated risks exist, we will actively work to ensure they are properly controlled.

2.

### **Everyone has a personal responsibility for health, safety, and wellbeing**

This must exist through all levels within HBRC and within our contractors and service providers. Individual responsibility will differ, but shared responsibility will enable us to continue to build a "safety" culture. HSW leadership starts at the "top" with our Council and Executive Leadership Team having collective and individual HSW responsibility. We are all responsible for championing HSW and are accountable for its delivery, such that no business objective sacrifices health, safety, and wellbeing.

3.

### **All incidents are preventable; we are mindful of the potential for incidents to occur, and we will act on the warning signs as we have a moral duty to learn from the past**

Past near misses and incidents are a valuable source of information, when properly acted upon, can reduce the risk of someone being injured in the future. We must share learnings with all industry participants to enable us to actively contribute to improving health and safety within our sector. We must create an environment where near misses and incidents are always reported. HBRC will encourage a fair-minded and constructive culture which will enable open and accurate reporting.

4.

### **Everyone has a contribution to make and a role to play**

To bring about a positive improvement in our HSW performance, and we need everyone working together towards a common set of goals. For this to become a reality, each stakeholder within our HSW management system needs to understand their role and be actively involved in executing their responsibilities. While clear responsibility is placed on HBRC as an organisation to manage its risks, there is also a duty of care from our workers for their own safety and the safety of others. We must develop genuine management and employee partnerships based on mutual trust, respect, and cooperation. We will engage and consult with our workers and service providers to jointly address hazards and associated risks to improve HSW performance.

5.

### **Collaboration is the key to achieving our vision for health safety and wellbeing**

We engage a range of service providers that support us in delivering a safe and reliable network. To assist us to fulfill our HSW goals, we will build and maintain a cooperative working relationship with them to achieve the improvements required. This will require us to share a common set of beliefs to provide the framework within which we will operate.

## OUR RESPONSE

*This document describes our health, safety, and wellbeing strategic direction for 2021 -2024. It sets out the HSW goals, and how we will achieve these.*

We believe these goals will enable us to achieve a positive health and safety environment for all our workers. We will supplement this strategy with an annual implementation plan, approved by the Executive Leadership Team (ELT). We will review and report our progress against this annual implementation plan to ELT quarterly.



***This strategic plan will be built around the following health and safety cornerstones:***

Knowledgeable workplace HSW leadership

Actively identifying, managing, and monitoring risk

Managing the pandemic response to Covid-19 and variants

Improving the management of contractors

Improving HSW engagement and culture

Enabling an effective implementation plan and reviewing annually

Improving reporting and provision of relevant information



## GOALS AND OBJECTIVES

Our strategic plan for the next three years, and the work plan that sits along side it, continues to be ambitious. However, our vision and the changing legislation requires HBRC to make further steps and achieve consistency in HSW practices. The goals and objectives we have set will be challenging. We will focus our efforts on the areas that will lead to the greatest improvement in our HSW performance.



### Goal 1: Health, safety, and wellbeing leadership

We will continue to have strong and sustainable leadership in HSW leadership. Councilors have a collective and individual understanding of the direction for HSW management and ensure active commitment. HSW leadership must also be visible throughout management, our workforce, and those that work for us. Our focus will be to continue to grow visible and demonstrable leadership through a cycle of continuous improvement to enable a sustainable HSW culture.



### Goal 2: Risk management

We will have the competence to identify hazards and ensure that risks are appropriately controlled. We will work with training providers to improve competence where required. Effective HSW management requires competency across every aspect of HBRC and through each level of our workforce. Every manager and employee will have the competence to recognise the risks associated with daily activities to enable the right emphasis to be applied in managing risk. In managing risk, we will ensure that specific focus and attention is placed on our high consequence risks.



### Goal 3: Pandemic response

We will continue to minimise the sources and impact of infection from COVID-19 and subsequent variants for our workers, visitors, and contractors undertaking activities within Hawke's Bay Regional Council ("Council") offices.

## GOALS



### Goal 4: Contractor and service provider management

All contractors will continue to be Site Wise approved (or equivalent) for any work undertaken for Council. We will continue to improve contractor and service provider management by using a continuous improvement model of site observations and annual reviews with high use/ high risk contractors.



### Goal 5: Worker engagement and culture

We will continue enabling our workers to be fully engaged in HSW, and “how we do things”. Effective HSW management within HBRC requires the engagement of our workers, consultants, and contractors. Collectively, they are best positioned to identify hazards/risks in the field and adopt the most appropriate measures to mitigate the risks. An informed and engaged workforce will actively maintain high HSW, and quality standards.

A healthy and safe work environment will result in higher levels of employee satisfaction which will enhance performance. We must therefore make best use of the skills, knowledge, and experience of our people when it comes to HSW. We will actively seek ways to secure a sustainable level of engagement and participation on a wide range of HSW matters. We will work to embed a HSW culture that enables innovation, confidence, and spatial awareness into daily work activity, projects, transformation, and procurement.



### Goal 6: Communication

Communication represents one of our most important challenges. We realise the way we communicate HSW matters is particularly important. Communication (in its broadest sense) includes interactions between individuals, managers, workers, and our stakeholders. These interactions will play an integral role in achieving our vision. To have effective communication, we will focus on getting the right information to the right people in a timely and consistent manner.

We will actively engage with other Councils and industry bodies to build local knowledge, collaborate on innovative initiatives, and create consistency that benefit not only ourselves, and our neighbouring Councils, but also the region.



### Goal 7: Mental health and wellness

People are the heart of our organisation and our most important asset. A key factor in HSW performance is our workers' wellbeing. We realise that workers need to be fit for work, fit while at work, and be fit to return home. We will actively seek ways to promote a HSW programme that includes minimising injuries (soft tissue, sprains/strains), improved work/life balance (fitness, flexible working options), and improved mental well-being (mental health, stress, fatigue management).

## OBJECTIVES

### Goal 1: Health, safety and wellbeing leadership

- 1.1 Visible senior management commitment and ownership to lead the changes required to support a sustainable HSW culture
- 1.2 Demonstrate to all our workers and contractors that senior management at the highest level are accountable for the delivery of improved HSW performance
- 1.3 Develop an understanding of individual's HSW leadership role and responsibility
- 1.4 Support the competency of our Councillors in HSW governance
- 1.5 Support the competency of our senior leadership team in HSW management
- 1.6 Support our senior managers to actively participate in change initiatives and understand their performance is monitored against their respective responsibilities
- 1.7 Ensure that our HSW representatives are trained and supported by managers
- 1.8 Undertake worksite visits to understand the various work activities undertaken by employees
- 1.9 Actively encourage and support health as well as safety initiatives

### Goal 2: Risk management

- 2.1 Identify and establish audit programmes to assess, improve and monitor HSW outcomes
- 2.2 Develop a digital risk assessment platform to identify daily risks across Council
- 2.3 Review and develop good practice guidelines and tools that can improve hazard identification, risk control, and prioritising risks
- 2.4 Undertake reviews of existing organisational critical risks to identify any changes to controls required by changes in relevant regulations, approved code of practices and good practice guidelines
- 2.5 Continue investigating the feasibility of technology to simplify and improve hazard reporting requirements
- 2.6 Ensure a systematic approach to planning, review, and evaluation to make continual improvements in HSW performance to maintain the effectiveness of the Health and Safety Management System (HSMS)
- 2.7 Continue to manage the organisational risk of the pandemic response

### Goal 3: Pandemic response

- 3.1 Actively manage Covid-19 and variations to minimise the impact for staff, contractors, and visitors to HBRC
- 3.2 Implement and manage mandated vaccination process
- 3.3 Regular review of Pandemic Safety Plan and supporting documentation in response to Government and MOH changes



## OBJECTIVES

### Goal 4: Contractor management

- 3.1 Support Procurement Team with HSW advice and improvements to process, policy and procedures
- 3.2 Undertake worksite visits to understand the various work activities and HSW diligence undertaken by high risk/high use contractors
- 3.3 Undertake annual reviews of health and safety performance
- 3.4 Identify and remove any barriers to employee engagement and consultation

### Goal 5: Worker engagement and culture

- 3.1 Actively seek ways to expand employee engagement and participation in our HSW initiatives and activities to improve our organisational performance
- 3.2 Promote the active engagement of relevant employees in major accident/incident investigations and reviews
- 3.3 Ensure HSW forums have clear terms of reference, provide feedback on issues/solutions raised within representative areas, support and engage in HSW improvements and encourage participation of employees across the organisation.
- 3.4 Identify and remove any barriers to employee engagement and consultation
- 3.5 Develop user-friendly health and safety management procedures and guides
- 3.6 Review and improve our service provider (contractor) HSW requirements to align with our own, and enable us to collaboratively manage our risks

### Goal 6: Communication

- 4.1 Promote smart technology to provide information, guides, and reporting
- 4.2 Continue to develop effective reporting formats for Council, management, and employees to enable quality and informed HSW communication at an appropriate level
- 4.3 Communicate the HSW vision and activities to all stakeholders in an effective and consistent manner
- 4.4 Identify opportunities and implement solutions to improve communications with our contractors and other local government agencies

### Goal 7: Mental health and wellness

- 4.1 Identify one organisational health and wellbeing initiative annually (HB Marathon)
- 4.2 Identify opportunities to implement solutions for employee mental wellbeing
- 4.3 Update annually the HBRC strategy and employee well-being programme that takes into account "being fit for work", "being fit while at work", and "being fit to return home".



**Subject: 2023 HBRC Local Governance Statement**

**Reason for Report**

1. This item presents the proposed 2023 Local Governance Statement to the Council for consideration and its adoption for publication on the HBRC website and availability of printed copies on request.

**Officers' Recommendation**

2. Council officers recommend that the Council adopts the 2023 Local Governance Statement as proposed.

**Executive Summary**

3. The Local Governance Statement (LGS) is a requirement of the Local Government Act (LGA) as a means of informing the community about how the Council's democratic decision-making processes are structured and operate, and how they can participate in and influence those. The LGS brings the information together in a single location for easy access.
4. Over the last three election cycles, access to information about the Council has increasingly shifted to online platforms, mainly the HBRC website, and the public expectation is that all relevant information is available online.

**Background and discussion**

5. Section 40 of the Local Government Act 2002 requires that each local authority prepares a Local Governance Statement and makes it publicly available within six months after each triennial election. The Severe Weather Emergency Recovery (Local Government) Order 2023 has extended this to "within 9 months after the 2022 triennial general election" – being 8 July 2023.
6. A Local Governance Statement (LGS) is a collection of information about the processes through which the Council engages with its community, how the Council makes its decisions, and how citizens in the region can influence those processes. Its purpose is to help support the purpose of local government by promoting local democracy by providing the public with information about ways to influence local democratic processes.
7. Historically, the document was accessed almost exclusively online, with hard copy documents being provided only to councillors and in response to fewer than a handful of requests from members of the public.

**Options**

8. Publication of a Governance Statement is a legislative requirement, however it is within Council's discretion to determine how extensive or otherwise it wants to publication to be, insofar as:
  - 8.1. Whether publication is online only
  - 8.2. Any information beyond the LGA s40 requirements that is included in the LGS.
9. Because there has been so little demand for hard copies and in line with Council's "digital by default" strategy, online-only publication of this information is proposed. Screenshots of how this translates on the Council's website are attached to show how this will look.

10. In relation to the information contained in the LGS, staff consider that the requirements of LGA section 40 includes sufficient information, and would be comfortable that information seekers would be able to find the information they require on the HBRC website. The contents of the Local Governance Statement webpages will continue to contain documents and content including:
  - 10.1. What is a governance statement?
  - 10.2. Functions, responsibilities and activities
  - 10.3. Our Strategic Plan at a glance
  - 10.4. Regional, district and city councils: what is the difference?
  - 10.5. Legislation
  - 10.6. The electoral system and the opportunity to change that system
  - 10.7. Representation options (including Māori representation)
  - 10.8. Members' roles and responsibilities
  - 10.9. Governance structures and processes
  - 10.10. Meeting processes (LGA, LGOIMA & Standing Orders)
  - 10.11. Consultation (Significance & Engagement Policy)
  - 10.12. Partnerships with Māori
  - 10.13. Management structures and relationships
  - 10.14. Council Controlled Organisations
  - 10.15. Equal Employment Opportunities (EEO) Policy
  - 10.16. Key approved planning and policy documents
  - 10.17. Information processes (LGOIMA).

#### **Significance and Engagement Policy Assessment**

11. Because the Local Governance Statement is a statutory requirement the associated decisions facilitate the provision of information to the public – which is 'Level 1 Inform' on the HBRC Engagement spectrum.

#### **Financial and Resource Implications**

12. There are no financial implications related to the Local Governance Statement as associated costs are within the budgets set for the related activities.

#### **Decision Making Process**

13. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
  - 13.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
  - 13.2. The use of the special consultative procedure is not prescribed by legislation.
  - 13.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
  - 13.4. The persons affected by this decision are anyone interested in the Regional Council and the region's governance.

- 13.5. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

### Recommendations

That Hawke's Bay Regional Council:

1. Receives and considers the *2023 Local Governance Statement* staff report.
2. Agrees that because Council is required to publish the 2023 Local Governance Statement by the Local Government Act the decisions can be made without consulting with the community.
3. Adopts the 2023 Local Governance Statement as proposed, for publication.

### Authored by:

**Leeanne Hooper**  
Team Leader Governance

### Approved by:

**Desiree Cull**  
Executive Officer to CE

### Attachment/s

- [1](#) 2023 Local Governance Statement updates Under Separate Cover



**Subject: Affixing of Common Seal****Reason for Report**

1. The Common Seal of the Council has been affixed to the following documents and signed by the Chair or Deputy Chair and Chief Executive or a Group Manager.

		Seal No.	Date
1.1	<b>Staff Warrants</b>		
	1.1.1 C. Falconer <i>(Delegations under Resource Management Act 1991 (Sections 34A(1) and 38(1); Soil Conservation and Rivers Control Act 1941; Land Drainage Act 1908; Civil Defence Emergency Management Act 2002 (s.86-92) and Local Government Act 2002 (s.177))</i>	4547	16 June 2023

2. The Common Seal is used twice during a Leasehold Land Sale, once on the Sale and Purchase Agreement and once on the Land Transfer document. More often than not, there is a delay between the second issue (Land Transfer document) of the Common Seal per property. This delay could result in the second issue of the Seal not appearing until the following month.
3. As a result of sales, the current numbers of Leasehold properties owned by Council are:
  - 3.1. No cross lease properties were sold, with 63 remaining on Council's books
  - 3.2. No single leasehold properties were sold, with 75 remaining on Council's books.

**Decision-making Process**

4. Council is required to make every decision in accordance with the provisions of Sections 77, 78, 80, 81 and 82 of the Local Government Act 2002 (the Act). Staff have assessed the requirements contained within these sections of the Act in relation to this item and have concluded the following:
  - 4.1. Sections 97 and 88 of the Act do not apply
  - 4.2. Council can exercise its discretion under Section 79(1)(a) and 82(3) of the Act and make a decision on this issue without conferring directly with the community or others due to the nature and significance of the issue to be considered and decided
  - 4.3. That the decision to apply the Common Seal reflects previous policy or other decisions of Council which (where applicable) will have been subject to the Act's required decision-making process.

**Recommendations**

That Hawke's Bay Regional Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.
2. Confirms the action to affix the Common Seal.

**Authored by:**

**Diane Wisely  
Executive Assistant**

**Vanessa Fauth  
Finance Manager**

**Approved by:**

**Bill Bayfield  
Interim Chief Executive**

**Attachment/s**

There are no attachments for this report.

## Subject: Climate Action Annual Report

### Reason for Report

1. A dedicated role to focus on climate action was funded for the first time in the 2021-31 Long Term Plan. At the same time, a new level of service statement was set to describe what the increased investment was intended to achieve, being "HBRC develops and leads a coordinated programme to drive climate change action to reduce the region's and its own carbon footprint". A Level of Service Measure was set requiring annual reporting to Council on progress made. This report summarises activities undertaken since the position was filled in February 2022.
2. The report builds from previous activity summaries included in papers to Council and committees (9 March 2022- Environment and Integrated Catchments; 6 April 2022 - Māori Committee; 31 August 2022 - Council Workshop; 7 September 2022 - Māori Committee; 28 September 2022 - Council; and 3 May 2023 - Māori Committee).
3. The following report summarises activities undertaken including technical inputs, Regional Emissions Reduction Plan, Joint Committee for Climate Action, cross council collaboration, community engagement and HBRC staff engagement.

### Report on activities

#### Technical inputs

4. *Regional community carbon footprints*
  - 4.1. Architecture Engineering Construction, Operations and Management Technology Corporation (AECOM) was commissioned to calculate the region's first community carbon footprint including breakdowns for each city/ district. These reports were delivered to Council in September 2022 and distributed to partner councils, and are being used as the baseline measure for the development of the emissions reduction plan.
5. *Regional climate change risk assessment*
  - 5.1. Following Ministry for Environment guidance for local government assessment of climate change risk and after a shortlisting process, we engaged Urban Intelligence to develop a spatial based assessment of multiple risks from climate change, combined with regional infrastructure and asset information. The first stage of this work has been completed and was presented to the Executive Leadership Team in March 2023, Māori Committee in May 2023 and the Joint Committee for Climate Action in May 2023. Further funding will be required to complete the data gaps for climate change risk in specific geographical areas, or for risks such as wildfire where limited information is available.
6. *Community attitudes*
  - 6.1. SIL research was commissioned to complete further analysis on the trends in community views on climate change from the community surveys. This work informs the development of the climate action communication plan.

### Emissions reduction regional action plan

7. Following the presentation to Council in September 2022 and Council approval to develop a regional emissions reduction plan, a practitioner group was established with practitioners from local government, industry, mana whenua, Food & Fibre sector, community groups, waste experts, biodiversity and sustainability leadership. An initial workshop was hosted to agree the terms of reference and process of establishing emissions reduction actions, then two workshops

in Waste and Working with Nature were hosted prior to Cyclone Gabrielle. Experts in Waste and Nature-Based Solutions presented to the practitioner group and potential actions were workshopped. The outputs of these workshops are included in the regional emissions reduction plan currently being drafted.

8. Following the Cyclone, the workshops in other sectors (Agriculture, Planning & Infrastructure, Energy and Industry, Building and Construction; Forestry; and Construction) were deferred. The initial plan to be presented to the Joint Committee for Climate Action in August will cover Waste, Transport, Working with Nature, and Emissions considerations in recovery. While these sectors contribute approximately one quarter of our regional emissions, they are also the areas with the greatest level of local government engagement and control.
9. Further work is now required to establish the appropriate process for actions in the remaining areas, for commitment to achieve the actions in the current plan and to ensure mana whenua input into the plan.

### **Joint Committee for Climate Action established**

10. In November 2022, we began work drafting Terms of Reference for a Joint Committee for Climate Action, seeking approval from partner councils and appointments. The first meeting of the new Joint Committee was held on 22 May 2023.
11. The HBRC Climate Action Ambassador plays a key role in coordinating the Technical Advisory Group for this committee and providing scientific input into the committee meetings.

### **Community engagement, capacity building and communication**

12. The HB-Climate Action Network [HB-CAN] for businesses and organisations in Hawke's Bay for peer-to-peer learning between sustainability managers was established. Nine in-person or online meetings were organised between June 2022 and June 2023 with guest speakers on various topics relating to sustainability. Approximately 40 people participate in the network.
13. A complete refresh of content on the [Climate Action Hub external-facing HBRC website pages](#) to include current and easy-to-interpret scientific projections on climate change in the region; adaptation and mitigation activities in the region; HBRC environmental contributions and actions for individuals, whānau and communities.
14. Sixteen Kia Rite: Time to Act opinion columns have been published in the Hawke's Bay Today newspaper since 6 July 2022 (seven by HBRC Climate Action Ambassador, 4 by other HBRC staff members and 5 by guest writers). Below is a list of columns drafted by the Climate Action Ambassador (in descending order).
  - 14.1. [Kia Rite — Time to Act: Does our community have climate refugees?](#)
  - 14.2. Kia Rite: How would life look if we flipped our usual perspective?
  - 14.3. [Feet first into climate reality](#)
  - 14.4. [Ride sharing – a way to build connections while reducing your emissions](#)
  - 14.5. [Supporting our youth with climate anxiety](#)
  - 14.6. [Lifting the lid off the climatic Dutch Oven](#)
  - 14.7. [Hawke's Bay needs to bring its emission tonnage down.](#)
15. A public event on Climate Resilience was organised in November 2022 with over 120 attendees including Councillors, Hastings Mayor Hazlehurst and Ngati Kahungunu Iwi Chair Bayden Barber. Three guest speakers were Jo Hendy, CE of the Climate Change Commission; Mike Smith, iwi climate change advocate; and Steve Smith, HB Food and Fibre industry.
16. A stand was shared at the Go Green Expo August 2022 with the Environment Centre, Napier City and Hastings District Councils.



17. There has been regular collaboration with the Environment Centre staff and CE. \$50k relocation funds approved to support their move to new premises in July 2022, collaborating on the regional food resiliency initiative.
18. The Climate Action Ambassador has been a guest speaker at community events for Forest & Bird, Ahuriri Estuary Protection Society, Rangatahi Environment Council, School strikes for Climate Change, CHB Friendship Club, and Ōtatara University of the Third Age.
19. There has been regular communication with the Bay Buzz editor – from short quotes on climate action activities in the region and national policy changes to a longer [video interview](#).
20. The FutureFit personal carbon footprint online tool was developed by the cross-council communication and climate change group, for a regional campaign from 1 February 2023 in partnership with local stakeholders the National Aquarium and the Environment Centre. This large public-facing communication initiative was cancelled following Cyclone Gabrielle as it was deemed inappropriate to be asking whānau and communities to be reducing their personal carbon footprints at this time.

#### **Collaboration with other councils and iwi**

21. There is regular collaboration with climate change staff at Napier City and Hastings District Councils, in particular in planning and drafting the regional emissions reduction plan.
22. A presentation was made to CHBDC Executive Leadership Team July 2022 and to CHBDC Council in November 2022.
23. Two meetings were held with WDC staff (in person and via Zoom) for initial introduction, discussion of Wairoa district needs for climate action and involvement in the regional community carbon footprint and emissions reduction workshops.
24. Three meetings with Ngāti Kahungunu staff discussed regional climate action and the potential to develop Indigenous framework for emissions reductions (aligning with the Rauora framework).

#### **HBRC staff capacity building and climate change awareness**

25. Three 'Climate Fresk' workshops for 26 staff were hosted in 2022 with an external facilitator – a world car-free day promotion in September 2022 with staff breakfast; support for establishment of ICT sustainability assessment; and communication of actions to reduce environmental impact.
26. The FutureFit personal carbon footprint internal staff promotion initiative was run in October – December 2022. Over 65 staff signed up to the tool so they could calculate their carbon footprints and adopt some of the 1500 actions to reduce environmental impact. Three full staff meeting presentations and promotions were held.
27. Regular meetings are held with the Corporate Operations Manager around monitoring of the HBRC carbon footprint and the action plan to reduce emissions and achieve strategic goal to be carbon zero by 2025.
28. In summary, the above report shows a comprehensive programme of work to enable change from multiple concurrent actions aiming to
  - 28.1. increase technical knowledge of climate change impact and risks in the region
  - 28.2. raise awareness in the community of the impact of climate change and potential mitigation
  - 28.3. prepare communities for climate change by educating and raising capacity for climate action
  - 28.4. design actions in collaboration with community and council partners, and
  - 28.5. advocate for change.



### Next Steps

29. Feedback from Council is invited on strategic direction of activities for the coming year.

### Decision Making Process

30. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision-making provisions do not apply.

### Recommendation

That the Hawke's Bay Regional Council receives and notes the *Climate Action Annual Report*.

### Authored by:

**Pippa McKelvie-Sebileau**  
Climate Action Ambassador

### Approved by:

**Desiree Cull**  
Executive Officer to CE

### Attachment/s

There are no attachments for this report.

**Subject: Strategic projects report to 31 May 2023****Reason for Report**







1. This agenda item presents the Project Management Office's (PMO) *Strategic projects report for May 2023* for information.
2. HBRC's key strategic projects are tracked by the Project Management Office (PMO) and reported monthly throughout their lifecycle. These projects were selected because of their significance in terms of investment, risks, benefits, and interdependencies.
3. This report is backward looking and so reports on activities in the prior month specifically. In line with good project management discipline, particular emphasis is given to scheduling, budgeting and risk management.

**Key**

Project performance indicators (RAG):  = Off Track  = At Risk  = On Track  = Not available











Status Change over last 6 months: how the status has tracked between October 2022 and April 2023.























\*Risk status is inherent (e.g. prior to mitigations and controls implemented) vs residual.

Project/Programme Title	Schedule	Risk*	Budget	Status Change over last 6 months					
<b>1. HBRC Recovery Programme</b> (Monthly reporting)					Apr				
				Sch					
				Risk					
				Bud					







**Project summary:** The Recovery Programme coordinates and tracks recovery planning and community communication and engagement activities across HBRC. This connects and aligns this work under the Hawke's Bay Regional Recovery framework to support regional coordination of recovery. Under this framework HBRC will be the lead agency for the Environmental Resilience pou, the supporting agency for the Primary Sector pou, and will input into relevant workstreams under the other pou that will make up the Regional Recovery Plans. This programme will support teams working within this framework during the planning phase and help prepare the organisation for adoption of recovery initiatives into BAU programmes of work.







- **Schedule** - while the focus on the Future of Severely Affected Localities (FOSAL) has taken priority, work is progressing on the development of the next edition of the Environmental Plan (due 1 Sep) and the recovery programme plan. Recovery initiatives and funding bids are under review. Māori Partnerships team is talking with iwi leaders to understand how they want to be represented in future plans. Social Pinpoint is being developed to be used as a survey tool to enable wider community engagement. HBRC teams supported the review of the Regional Recovery Plan pou chapters and provided feedback. RRA is expected to submit the first edition of the plan by 30 June 2023.
- **Risk** - present risks are the shortening timeline to engage with the community/mana whenua on the next edition of the plan, which may be a more comprehensive/longer-term view of recovery. RRA guidance on the next plan has not yet been received. Uncertainty around funding means key recovery initiatives cannot start. The Recovery Team will include an update on the funding status of recovery initiatives in the next plan. Catchment overviews are also being worked on to focus the plan on those communities to better understand how they were impacted and what their recovery priorities are.
- **Budget** - 2023 central government Budget announcements did not provide clarity on how the recovery initiatives will be funded. The reconciliation analysis will help determine the status of planned recovery work outlined in the Environmental Resilience Plan against known budget/funding and how much more is still needed. The outcome of which will help prioritise initiatives and resources.
































































Project/Programme Title	Schedule	Risk*	Budget	Status Change over last 6 months						
<b>2. Recovery Claims - Insurance</b>  (Monthly reporting)					Apr					
				Sch						
				Risk						
				Bud						
<b>Project summary:</b> This is a project to recover asset and business interruption losses arising from the impacts of Cyclone Gabrielle and how we will maximise recovery of costs to replace assets through our insurance policies.										
<ul style="list-style-type: none"><li>• <b>Schedule</b> – the project team has established a high-level timeline, estimates of total losses and recoverability via insurance. Three additional staff have been employed and will be in place to manage insurance claims from 1 June.</li><li>• <b>Risk</b> – an AON risk consultant (covered by Insurance) is engaged to assist with claim preparation.</li><li>• <b>Budget</b> - a prepayment of \$4.25M has been proactively given to HBRC by insurance.</li></ul>										
Project/Programme Title	Schedule	Risk*	Budget	Status Change over last 6 months						
<b>3. Recovery Claims - NEMA</b>  (Monthly reporting)					Apr					
				Sch						
				Risk						
				Bud						
<b>Project summary:</b> This is a project to recover costs incurred through CDEM response (and HBRC) including response costs for infrastructure.										
<b>CDEM – Welfare Claims</b> <ul style="list-style-type: none"><li>• Total CDEM – welfare costs to date are \$7.2m and of this we have identified \$5.5m is recoverable.</li><li>• We anticipate \$5.1M will be recoverable via NEMA and a further \$400k recoverable via commercial entities, MSD and other councils for on-charging of costs incurred by CDEM on behalf.</li><li>• There is risk in recovering this \$400k in full. We are aware of some entities that have had generators but claim they didn’t use them, and another was a generator provided for a swap in food for the Distribution Centre. We will need to weigh up whether these are worth pursuing or not.</li><li>• We have submitted 3 claims to NEMA totalling \$1.27M which have all been paid.</li><li>• Claim 4 is being processed by NEMA and as a result of discussions we now have negotiated a special claim with NEMA.</li><li>• The ‘Special Claim’ is for the costs that sit outside the s33 criteria, however, relate to welfare costs servicing remote communities. These types of costs were not anticipated by the s33 legislation and have occurred due to the widespread impacts of the cyclone in Hawke’s Bay.</li><li>• Claim 5 is being prepared and we anticipate this will be our final welfare cost claim and includes many of the helicopter flights.</li></ul>										
<b>Infrastructure</b> <ul style="list-style-type: none"><li>• We are in the process of preparing the first NEMA claim for infrastructure costs. These are mostly related to the completed stopbank repairs.</li><li>• We are gathering supporting documentation for each repair from the Rapid Rebuild Team in order to support this initial claim. We anticipate this will be submitted towards the end of June 2023.</li><li>• We are organising meetings with the AIP team to understand what will be required for the next stage of asset repairs and funding required across the 780 assets identified needing repairs.</li></ul>										

Project/Programme Title	Schedule	Risk*	Budget	Status Change over last 6 months						
<b>4. IRG Flood Control &amp; Drainage Programme</b>  (Monthly reporting)					Oct	Nov	Dec	Jan	F/M	Apr
				Sch						
				Risk						
				Bud						
<b>Project summary:</b> <b>Project 1: Heretaunga Flood Control &amp; Drainage Scheme</b> We are reviewing and upgrading flood protection assets across the Tūtaekurī, Ngaruroro, Lower Tukituki and Clive rivers, to increase flood protection across the scheme from a 1 in 100 to a 1 in 500-year event. <b>Project 2: Upper Tukituki Flood Control Scheme: Gravel Extraction</b> We are removing gravel from the Upper Tukituki River to improve flood protection in Central Hawke’s Bay. Decreased demand for gravel has seen a build-up of gravel (aggradation). Extracting gravel from the riverbeds helps increase river capacity and reduces the risk of water inundation of neighbouring properties during a flood.										
<ul style="list-style-type: none"><li>• <b>Schedule</b> - the delay in progress caused by Cyclone Gabrielle and the ensuing repairs has had a significant impact on the programme. The Heretaunga Plains Flood Control Scheme Upgrade programme of work was placed on hold following Cyclone Gabrielle. In the past month action has been taken to recommence the Ngatarawa Stopbank Upgrade construction. Some gravel extraction has occurred in the past month and several extraction contracts have been extended to better enable contractors to reach their contracted volumes.</li><li>• <b>Risk</b> - programmes of work will not be completed in the current funding window. The Asset Management Group are in discussions with Kānoa (co-funder) to review the funding deadline and programme extents in order to identify practical project hold points and funding timeframes.</li><li>• <b>Budget</b> - the programme is significantly underspent.</li></ul>										
Project/Programme Title	Schedule	Risk*	Budget	Status Change over last 6 months						
<b>5. Kotahi Plan</b>  (Monthly reporting)					Oct	Nov	Dec	Jan	F/M	Apr
				Sch						
				Risk						
				Bud						
<b>Project summary:</b> Developing a combined resource management plan for the Hawke’s Bay region. It will refresh how we manage the use and protection our natural and physical resources looking at all aspects of the environment. This includes land and freshwater, air, the coastal and marine area, climate change, biodiversity, urban form and development, natural hazards and risks, energy, transport, and infrastructure. Kotahi will combine and update the existing Regional Policy Statement, the Regional Resource Management Plan, and the Regional Coastal Environment Plan into one, while also giving effect to the new policies, planning and technical standards from central government.										
<ul style="list-style-type: none"><li>• <b>Schedule</b> – HBRC is currently focusing their efforts on the recovery which is necessary post Cyclone Gabrielle. As such the work which was programmed for has by and large been paused while staff resources have been re-prioritised to initial emergency response and now to the next phase of recovery.</li><li>• <b>Risk</b> - staff resourcing.</li><li>• <b>Budget</b> – on track.</li></ul>										
























Project/Programme Title	Schedule	Risk*	Budget	Status Change over last 6 months						
<b>6. Land for Life</b>  (Monthly reporting)					Oct	Nov	Dec	Jan	F/M	Apr
				Sch			●	●		
				Risk	●	●	●	●		
				Bud	●	●	●	●		
<b>Project summary:</b> A pilot on up to five farms with loans offered to landowners to plant trees on marginal land that can earn a return and enhance regenerative farming practices. Run in collaboration with The Nature Conservancy and the Ministry for Primary Industries to accelerate erosion control work and extend the programme to more farms.										
<ul style="list-style-type: none"><li>• <b>Schedule</b> - The project is focused on completing the draft business case by the revised due date at the end of June.</li><li>• <b>Risk</b> - farmer engagement about farm plans and financial models is the critical task since it informs the business case development. The risk that HBRC, The Nature Conservancy and MPI fail to complete the business case before the end of June is mitigated as far as possible by putting other non-essential tasks on hold.</li><li>• <b>Budget</b> – despite repositioning and delays, the project is running under budget. A request has been raised for surplus funds to be rolled into next financial year to support repositioning of the project as part of recovery, implantation planning and scale up efforts.</li></ul>										
Project/Programme Title	Schedule	Risk*	Budget	Status Change over last 6 months						
<b>7. Regional Water Security Programme</b>  (Monthly reporting)					Oct	Nov	Dec	Jan	F/M	Apr
				Sch	●	●	●	●		
				Risk	●	●	●	●		
				Bud	●	●	●	●		
<b>Project summary:</b> Investigating water supply options aiming to ensure Hawke’s Bay has long-term, climate-resilient, and secure supplies of freshwater for all. This supports the Kotahi Plan and includes: <ul style="list-style-type: none"><li>• exploring above ground, medium-scale water storage options in the Ngaruroro catchment for and on behalf of the community</li><li>• setting up a Managed Aquifer Recharge (MAR) trial in Central Hawke’s Bay to determine whether MAR is a viable water storage option and can contribute to water security in the area</li></ul> We will also work with water users to drive more efficient and effective use to complement water storage following the completion of a comprehensive 40-year Regional Water Assessment.										
<b>CHB MAR</b> <ul style="list-style-type: none"><li>• Finalising input from mana whenua to complete applicant review of the MAR consent conditions. This has been a delayed process but with sufficient confidence that consents will be secured the planning for the implementation phase is happening concurrently. Pressure is being applied to get these final comments submitted so a consent decision can be issued by HBRC Consents team and avoid holding up the next phase of work.</li></ul>										
<b>Heretaunga Water Storage</b> <ul style="list-style-type: none"><li>• The Tonkin &amp; Taylor Stage 2 technical study for Option 3 Dam site was issued at the end of May as a final draft for review. The project team is currently reviewing this and has issued to Damwatch to undertake an independent technical Peer Review. An update will be provided to Council on 14 June and a Business Case with key recommendations is planned to be presented to Council in August/September for decisions on whether to commit to a full feasibility study or not. Funding will need to be secured to commit this project to a full feasibility study. The terrestrial ecologist is visiting the Whanawhana site in mid-June to provide initial observations as an addendum to their prefeasibility findings and assessment post-cyclone.</li></ul>										
<b>RWA</b> <ul style="list-style-type: none"><li>• The final Regional Water Assessment report will be issued for public release at the end of June. A Water Demand Assessment report focused on the Industrial and Territorial water users has been significantly delayed but a draft report is due mid-June for final release soon after. This report is an assessment of areas that may provide the greatest efficiency gains for the investment made. It aims to deliver recommendations for Council consideration. Separate funding of \$1M was ear marked in the Long Term Plan to progress priority recommendations. This is anticipated from July 2023.</li></ul>										

Project/Programme Title	Schedule	Risk*	Budget	Status Change over last 6 months						
<b>8. Farm Environmental Management Plans (FEMP)</b>  (Monthly reporting)					Oct	Nov	Dec	Jan	F/M	Apr
				Sch						
				Risk	●	●	●	●		
				Bud	●					
<b>Project summary:</b> These aim to address environmental outcomes and actions to improve environmental performance on properties over 4 hectares initially within the Tukituki region in three-yearly submission cycles.										
<ul style="list-style-type: none"><li>• <b>Schedule</b> - auditing has been completed on 20 properties under 20 ha, and an additional 8 properties have had a desktop and field assessment completed. The project is largely on hold awaiting final national farm plan regulations due in early June and Orders in Council outcome in July/August to determine the next steps and timeframes for Tukituki and region wide roll out of Freshwater Farm Plans. The Project Manager has taken over as a key council contact with the regional sector regarding Freshwater Farm Plans and the overall team is prepping for the regulations gazettal that is now expected in early June.</li><li>• <b>Risk</b> - identified properties without 2021 FEMP are the main risk. Interruptions to project plan and schedule due to the cyclone present a risk to timeframes and project deadlines. There is also potential for push-back from farmers at next review cycle due to post-cyclone priorities.</li><li>• <b>Budget</b> - due to cyclone disruption in project planning and timeline, this is tracking as an underspend this FY.</li></ul>										
Project/Programme Title	Schedule	Risk*	Budget	Status Change over last 6 months						
<b>9. Transport Choices</b>  (monthly reporting)					F/M	Apr				
				Sch						
				Risk						
				Bud						
<b>Project summary:</b> HBRC secured funding of \$1.39 million from central government to upgrade eight bus stops in the region and create two new stops. The funding is part of a <i>Transport Choices</i> package included in the Government’s Climate Emergency Response Fund (CERF) led by Waka Kotahi NZ Transport Agency.										
<ul style="list-style-type: none"><li>• <b>Schedule</b> - the project is on track as Waka Kotahi has allocated an additional month to our timeline due to the cyclone.</li><li>• <b>Risk</b> - current risks are potential delays due to unavailable internal and external resources. This is not currently an issue but presents a risk to the development of the project, as there is a strict timeline for completion. Recommended action is to outsource as much of the project as is possible, to ensure there is continuity to the delivery. The Transport team is in a transition phase, and this project needs to be delivered to a strict June 2024 deadline.</li><li>• <b>Budget</b> - the project has moved into the design phase, and the budget is tracking as it should. The total budget for the project, across two financial years, is \$1.39M. This is 100% funded by Waka Kotahi. We have been allocated approximately \$270k for the strategic development and design phase, which has only been internal cost to date, which is accounted for.</li></ul>										

Project/Programme Title	Schedule	Risk*	Budget	Status Change over last 6 months						
<b>10. Revenue &amp; Financing Policy/ Rates Review</b>  (Monthly reporting)					Oct	Nov	Dec	Jan	F/M	Apr
				Sch						
				Risk						
				Bud						
<b>Project summary:</b> First principles review of our Revenue and Financing Policy, and full review of our rating system. The aim is to improve transparency for who pays what, ensure legal compliance, simplify the policy and provide more flexibility in applying the policy. Consultation is planned to take place towards the end of 2023 prior to the next Long Term Plan when the amounts rated for many Council services will likely change.										
<ul style="list-style-type: none"><li>• <b>Schedule</b> – the project is tracking to current schedule which allows consultation and adoption in advance of the next Long Term Plan. Review of Step One outcomes was workshopped with new Council on 31 May. The model is ready to go.</li><li>• <b>Risk</b> - include reliance on individuals and the inability to validate the model outputs with the existing rating system. Knowledge is being shared across the team to mitigate the first and we are working on getting a seperate instance of Magiq to mitigate the second.</li><li>• <b>Budget</b> - project is funded within existing finance budgets.</li></ul>										
Project/Programme Title	Schedule	Risk*	Budget	Status Change over last 6 months						
<b>11. Emissions Reduction Plan</b>  (Monthly reporting)					Oct	Nov	Dec	Jan	F/M	Apr
				Sch						
				Risk						
				Bud						
<b>Project summary:</b> Development of an inaugural Regional Emissions Reduction Plan by July 2023 with broad community involvement, support, and engagement, which will integrate with the next long term plans of the region’s councils. The Emissions Reduction Plan will be informed by a greenhouse gas emissions inventory to establish the carbon footprint at the city, district, and regional level. A first for Hawke’s Bay.										
<ul style="list-style-type: none"><li>• <b>Schedule</b> – the first meeting of the Climate Action Joint Committee was 22 May, attended by representatatives of all five councils, PSGE, Māori Committee and Ngāti Kahungunu. A progress report on Emissions Reduction Plan was on the agenda of this meeting but due to time constraints was deferred until the next meeting on 14 August. Draft text for waste reduction, transport, working with nature and emissions considerations in recovery was proposed. No further practitioner meetings held. Drafting of chapters is ongoing.</li><li>• <b>Risk</b> – a reduced scope plan is now much more council than practitioner-group led so will require more community engagement once complete. We have not been able to achieve genuine mana whenua engagement in the workshops hosted pre-cyclone. PSGEs will now be invited to appoint a member directly to the JC for climate action. A section of proposed community engagement will be added to the emissions reduction plan.</li><li>• <b>Budget</b> – on track</li></ul>										
Project/Programme Title	Schedule	Risk*	Budget	Status Change over last 6 months						
<b>12. Enterprise Asset Management</b>  (Monthly reporting)					Oct	Nov	Dec	Jan	F/M	Apr
				Sch						
				Risk						
				Bud						
<b>Project summary:</b> Aims to embed an Asset Management Information System that integrates into and expands on the Enterprise Resource System (ERP) that was introduced during the Finance Upgrade Systems & Efficiency (FUSE) project. The goal is to improve efficiency, allowing us to confidently identify assets (both spatially and uniquely within a register), manage and maintain our current infrastructure through whole-of-life, and assess risk to determine when changes or additions are required.										
<ul style="list-style-type: none"><li>• <b>Schedule</b> –on track. The re-phased project plan is complete and in peer review. Project Lifecycle Management development is in design, creating a standardised project management discipline from TechOne for Regional Projects supporting recovery. Asset Register progress is on track with asset IDs, GIS</li></ul>										

IDs applied to rebuild focused assets. Works System design stage has been initiated with design workshops planned in June.

- **Risk** – that we simply transition the current ways of working, rather than seek efficiencies which are possible with the new system. Leadership alignment workshop is scheduled for 15 June, active communications and change strategy developed.
- **Budget** - on track. Rephased plan has some activity timings reprioritised but overall budget remains unchanged.

Project/Programme Title	Schedule	Risk*	Budget	Status Change over last 6 months						
<b>13. Synergy</b> (Monthly reporting)					Oct	Nov	Dec	Jan	F/M	Apr
				Sch						
				Risk						
				Bud						

**Project summary:** The enhancement of already implemented TechnologyOne modules to ensure a stable foundation for the future stages of the TechnologyOne ERP deployment at HBRC.

- **Schedule – AP:** There is agreement to proceed with new OCR tool ABBYY - work starting in June. Other focus on reporting which will help for year end. Payroll: audit has been booked for July to close off workstream. Legacy Apps: dependency on Finance to review Nav Viewer tool. Other: agreement to proceed with WalkMe POC to improve user adoption and engagement.
- **Risk** - project resourcing is a key issue with reduced capacity in Business Solutions team for various reasons. Increased demand for year end, regional recovery, and BAU priorities make availability of Finance and ICT staff to support the project low. Also the availability of resources from consultant, Atturra. Focus will shift to WalkMe and ABBYY during this period and help us to make progress.
- **Budget** - on Track . ABBYY and WalkMe within budget.

**Note: ABBYY** = OCR (optical character recognition) tool used by finance to scan and read information from invoices / credit notes and update TechOne.

**WalkMe** = digital adoption / training / change management tool to trial with TechOne. Simplifies software usage by overlaying instructions & automating some steps.

#### Key Strategic Projects – quarterly reporting due next month

Ahuriri Regional Park  
Clifton to Tangoio Coastal Hazards Strategy  
TANK Plan Change (Policy)

#### Key Strategic Projects - pipeline

Title	Group	Estimated Start
Regional Water Efficiency Programme (Future Water Use)	Asset Management (Water Security)	TBC
Biosecurity Information System	Integrated Catchment Management	TBC
Clive River Dredging 2030	Asset Management (Regional Assets)	TBC
On Demand Public Transport (Napier trial)	Policy & Regulation (Transport)	TBC
Urban Catchment Plans (Te Karamū & Ahuriri)	Asset Management (Regional Assets)	TBC

#### Decision-making Process

- Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision-making provisions do not apply.

**Recommendation**

That Hawke's Bay Regional Council receives and notes the *Strategic projects report to 31 May 2023*.

**Authored by:**

**Sarah Bell**  
**Acting Strategy & Governance Manager**

**Jason Doyle**  
**Project Manager Policy & Planning**

**Approved by:**

**Desiree Cull**  
**Executive Officer to CE**

**Attachment/s**

There are no attachments for this report.



**Subject: Significant organisational activities through July 2023****Reason for Report**

1. The following commentary is for councillors' information to highlight significant areas of Council activity, particularly in response to Cyclone Gabrielle. Resources are directed toward various initiatives which reflect the Council's evolving agenda, and it is important that Council is consistently informed of progress in areas that have created or may create a high external profile.

**Significant activities by group**

<b>Asset Management Group</b>		
<b>Project /Activity description</b>	<b>Significant upcoming milestone(s)</b>	<b>Team or Section</b>
Napier urban waterways	<ol style="list-style-type: none"> <li>1. The Education Plan is ready to be submitted to Consent Compliance.</li> <li>2. A representation from NCC and HBRC is to meet with Te Komiti and to talk about participation.</li> <li>3. Sediment sampling is to be redone due to a processing error with the laboratories.</li> <li>4. An outline of the cultural monitoring plan has been completed – this needs to be ratified by Te Komiti to progress.</li> <li>5. Resource numbers are very low – a consulting resource is being procured to undertake the reporting.</li> <li>6. Review of Awatoto Drainage Area has commenced by a consultant and focused on pumps.</li> </ol>	Regional Assets
Clive River dredging	<ol style="list-style-type: none"> <li>7. Council received a workshop presentation and report on Clive River Dredging.</li> <li>8. Considering the priority focus for both resources and funding being cyclone recovery, a decision on this project has been delayed for 12-24 months.</li> </ol>	Regional Projects
Wairoa	<ol style="list-style-type: none"> <li>9. Asset inspections – final technical inspections have been completed by AMG. Work packages have been created for waterways in Wairoa.</li> <li>10. Scheme reviews being carried out on Opoho and Ohuia schemes.</li> <li>11. A review of the Mahanga wetland and stream is underway.</li> <li>12. The Opoutama Stream woody debris is being mulched.</li> <li>13. The Nuhaka Stream debris is also being mulched.</li> <li>14. Plans are underway to clear the beach in Mahia and Mahanga.</li> <li>15. A committee has been formed by HBRC and WDC to explore flood resilience in Wairoa. The Committee presented to Wairoa District Council in early June and has further ongoing meetings planned.</li> </ol>	Operations

<b>Asset Management Group</b>		
<b>Project /Activity description</b>	<b>Significant upcoming milestone(s)</b>	<b>Team or Section</b>
Central Hawke's Bay	16. Makara – dewatering Dam #4 complete. 17. Packages have been issued for the repair of Dam #4 outlet. 18. Work is underway to remove vegetation and silt from the Makara stream. 19. Cyclone response de-siltation and track repair underway. 20. Cyclone stopbank and fencing repairs continuing. 21. Annual maintenance programme in progress. 22. Upper Tukituki Review – working with CHBDC on scoping document. This is planned to go to market at the end of July. 23. Makara Scheme Review – commencing scoping document.	Operations
Napier Meeanee NCC MOU	24. Reengaged with NCC with support from Morrison Low to develop the detailed business case. 25. Morrison Low have been engaged to progress business case.	GM
Gravel extraction	26. Allocations for sustainable gravel extraction for the 2023-2024 FY to be finalised.	Operations
Napier Meeanee Scheme Review	27. The completed review has been delivered by Stantec. 28. The scheme review was presented to council on 21 June 2023.	Regional Assets
Hastings Karamu Scheme Review	29. The scheme review is on hold as work has focused on tendering for the HPFCS review – which will be out to market on 16 June. 30. Post Cyclone Gabrielle, this review will be rolled into the HTPFC scheme review.	Regional Assets

Asset Management Group		
Project /Activity description	Significant upcoming milestone(s)	Team or Section
Cyclone Gabrielle Response	<p>31. <i>Rapid Rebuild</i> of stopbanks is moving into scour and erosion repair. 42 breach and scour sites have been repaired and all other breach sites in execution/construction phase. All breaches on the Tūtaekurī and Ngaruroro Rivers have been completed except for one site that is awaiting hydroseeding.</p> <p>32. Five PODs are actively progressing both breach and scour repairs in Central Hawkes Bay in a prioritized manner. Several of these repairs are on hold while additional technical assessments are completed. The Walker Road Breach repair is expected to be ready for hydroseeding by the 16 June, which will then be completed in the week ending 23 June.</p> <p>33. River and Waterway Assets inspections have been carried out. Further inspections have been identified and will be undertaken in the coming weeks.</p> <p>34. All inspections have been analysed and prioritised. A tool has been created to produce packages that can be incorporated into Works Authority or Tech One.</p> <p>35. Work is underway to scope and develop the packages and add costing to each of the packages developed.</p> <p>36. Pumpstations have been repaired to be able to undertake most of their functionality, as of pre-Gabrielle.</p> <p>37. A review of the pumpstations is underway. The outcome of this review will inform future development around the pumpstations.</p> <p>38. The drain silt excavation programme is underway as part of the recovery.</p> <p>39. Asset Management Maintenance Contract 2023-24 drafted for pricing.</p> <p>40. Woodwaste removal from the rivers is also underway in areas and is being coordinated through the taskforce and the HB forestry group.</p> <p>41. Preparations for planning fencing repairs are underway currently.</p>	Regional Assets/ Operations

Asset Management Group		
Project /Activity description	Significant upcoming milestone(s)	Team or Section
Regional Parks	<p>42. <b>Waitangi Matariki week</b> -School plantings and light shows from 19-24 June at the Ātea A Rangi.</p> <p>43. <b>Waitangi improvements.</b> Work put on hold and stakeholders informed.</p> <p>44. <b>Pekapeka:</b> Main carpark open to the public, however major damage to boardwalks will require repair.</p> <p>45. <b>Tūtira:</b> Still closed due to significant damage to fences and tracks as well as siltation.</p> <p>46. <b>2023 Community Planting Days:</b> Te Mata Park and Irongate/Pukahu (Forest and Bird Hastings and Napier) on Sunday 18 June; Pukahu (Bostock's) on Saturday 24 June; Ruahapia - Des Ratima memorial planting (Biodiversity HB) on Saturday 29 July.</p> <p>47. <b>Hawea Historic Park.</b> A planting plan has been developed and endorsed by the Committee. This will be implemented between June and July this year.</p>	Regional Projects/ Operations
Cycle Networks	<p>48. The first Managing Great Rides (MGR) Extreme Events application to MBIE, to cover damage for short-term repairs (i.e. 70% open sections) for \$294k was successfully approved. The majority are now repaired and able to be used, final repairs continuing.</p> <p>49. A second Managing Great Rides (MGR) Extreme Events application to MBIE was made early June for \$1,925,570. This is to cover damage for med/long-term repairs to 30% of network still closed with stopbank damage, slips or bridges destroyed, and for some resilience work. Repair to be coordinated with TAs, NZTA and KiwiRail. These med/long term phases of repair are: Stage 2 medium -will look at Waitangi up to Fernhill/Taradale on respective sides, Waimarama/Karamu repairs; Stage 3 Long Puketapu Loop.</p>	Regional Assets

Integrated Catchment Management Group		
Project /Activity description	Significant upcoming milestone(s)	Team or Section
Hill Country Erosion Fund (HEF)	<p>50. Final report and invoice completed for our 2019-23 HEC contract</p> <p>51. New contract commences</p> <p>52. Finalise fixed-term contracts for all HCE-funded staff for the next contract term</p> <p>53. Application started for additional funding, which will come from the national collective underspend from 2019-23 HCE Fund.</p> <p>54. HCE workshop coordinator support person starts</p>	Catchment Management

Integrated Catchment Management Group		
Project /Activity description	Significant upcoming milestone(s)	Team or Section
Soil Conservation Nursery	55. Final regional pole delivery completed to landowners 56. 1.5Ha Allen Road nursery expansion in radio paddock and planting of 7,5000 additional poles – to be harvested 2025. 57. Final sign off the pole shed development, including staff smoko room/bathroom 58. Ground prepped and planted in the Harris Block with an additional 8-10,000 poles – to be harvested 2025.	Catchment Management
Erosion Control Scheme	59. Catchment advisors (CAs) continue to take stock of ECS projects and capture and schedule any remediation works needed.	Catchment Management
Hydrology and Water Quality	60. Extra measures continue to be put into place to increase telemetry site resilience across the network including extra water level monitors and back up communication paths. 61. Water Quality and Ecology team continues its extra sampling from 3 monthly to monthly to accurately define changes in streams and rivers.	Environmental Information
Biosecurity	61. A Controlled Area Notice work to allow river gravel movement in a section of the Tukituki/the entirety of the Waipawa River's natural diversion post-cyclone. 62. The Controlled Area was also extended a further 2 km downstream. 6 applications were received, 4 were ineligible for various reasons. Only one applicant has fully completed the extraction. 63. Applications to use gravel for rural infrastructure repairs close on 10 August 2023. All extraction from the Controlled Areas must cease at the expiry date of this notice - 11.59 pm on 31 August 2023. 64. Alligator weed, an exclusion pest in the RPMP was found in Lake Whatumā in April. The team have continued physical control of terrestrial infestations on the lake's eastern edge and down the Mangatarata outlet. Aerial surveillance was completed; no more alligator weed has been found in adjacent farmland or waterbodies. An aquatic weed boom will be installed over the outlet to further contain the weed to the lake itself; work is ongoing. 65. Recruitment for a Senior Biosecurity Advisor role.	Biosecurity
Biodiversity and Priority Ecosystems	66. Recruitment for a new Senior Biodiversity Advisor role is underway. 67. All completed and planned projects within the priority ecosystem and protection and enhancement programmes are being assessed for damage and feasibility of repair from the impacts of the cyclone. This work is being prioritised for the next financial year.	Biodiversity



<b>Policy and Regulation Group</b>		
<b>Project /Activity description</b>	<b>Significant upcoming milestone(s)</b>	<b>Team or Section</b>
Plan Change 9 (TANK plan) appeals	<p>68. HBRC has commenced proceedings with the Environment Court and appellants in relation to preliminary matters and order of topics for mediation.</p> <p>69. A judicial teleconference with all parties was held 16 May with a further memo then lodged with the Court on 6 June clarifying the matters that would be the subject of a preliminary hearing prior to mediation commencing. The memo was prepared with input from the appellants.</p> <p>70. Three memoranda have been filed by parties in response seeking an alternative topic allocation to that proposed by HBRC. Subsequently an amended topic allocation and order was circulated on 4 April. The Environment Court is yet to confirm if it is satisfied with the amended topic allocation proposal.</p>	Policy
Plan Change 7 (Outstanding waterbodies) appeals	71. Four appeals were lodged with the Environment Court. The Court has scheduled a hearing to commence on or after 20 November 2023. The Court has also set a timetable for parties to exchange evidence. HBRC is to circulate its evidence in July.	Policy
Napier-Hastings Future Development Strategy (FDS)	72. Next meeting of the Future Development Strategy Joint Committee is scheduled for 11 July 2023 at Hastings District Council main office.	Policy
Ngaruroro River Water Conservation Order (WCO) High Court appeal	73. High Court appeal hearing had been scheduled to commence on 8 May 2023 but was cancelled pending clarification from one of the parties about their status and interests in proceedings. New High Court hearing date is yet to be confirmed.	Policy

### Decision Making Process

- Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision-making provisions do not apply.

### Recommendation

That the Hawke's Bay Regional Council receives and notes the *Significant organisational activities through July 2023* staff report.

### Authored by:

**Mell Anderson**  
Project Manager Hill Country Erosion Scheme

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**Chris Dolley**  
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## **Attachment/s**

There are no attachments for this report.



**Subject: Confirmation of Public Excluded Minutes**

That Hawke's Bay Regional Council excludes the public from this section of the meeting being *Confirmation of Public Excluded Minutes* Agenda Item 18 with the general subject of the item to be considered while the public is excluded. The reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are:

General subject of the item to be considered	Reason for passing this resolution	Grounds under section 48(1) for the passing of the resolution
Appointment of independent HBRIC directors	s7(2)(a) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to protect the privacy of natural persons	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

**Authored by:**

**Leeanne Hooper**  
**Team Leader Governance**

**Approved by:**

**Desiree Cull**  
**Executive Officer to CE**